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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 2531/2016

MOHD ASIF

..... Petitioner

Through Mr.R.S. Sharma and Ms.Heena
Sharma, Advs.

versus

STATE & ANR

..... Respondent

Through Mr.Sudershan Joon,. APP with SI
Nisar Ahmad, PS Sadar Bazar.
Mr.Sunil Fernandes and Mr.Puneeth
K.G., Advs. for R-2/BSES.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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09.12.2016

Crl.M.A. 19237/2016 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 2531/2016

The present application under Section 438 Cr.P.C. has been filed for the grant of anticipatory bail in FIR No.182/2015, under Sections 135/150 of the Electricity Act, Police Station Sadar Bazar.

The allegations levelled against the applicant/petitioner are that he is the owner of the premises in question and he had been using the premises through co-accused Zaqiullah Khan. The premise was being used for running machines. There was no electricity connection supplied to the premises and the electricity was being used by making

direct theft from the pole and total connected load was found to be 12.520 KW/NX/DT (Not Domestic). As a result, FIR was lodged against the petitioner and his co-accused.

Counsel for the petitioner submits that he is a registered landlord and it was in fact the tenant who had been committing the theft and not the present petitioner. During the course of arguments, it was submitted that machines are being run in the premises for which electricity connection is required but without having any electricity connection, direct theft of electricity was done. It is not in dispute that to have an electricity connection in the premises, the permission of the landlord/owner is required which means that the use of electricity in the premises could be with the permission/consent of the landlord/owner when the premises itself is let out for running the machines without any electricity connection, which falsifies the arguments advanced that the theft was being permitted without the consent of the petitioner.

This Court is not agreeable with the counsel for the petitioner that premises can be let out to run the machines without electricity connection and theft of the electricity dissolved the criminal liability of the petitioner. In such a scenario, this Court does not find any ground to grant anticipatory bail to the petitioner/ applicant.

Application is accordingly dismissed.

P.S.TEJI, J

DECEMBER 09, 2016
dd