

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 148 OF 2017

1. Banshidhar Khutiya, S/o Kirtan Ram Khutiya, aged about 60 years, by caste- Mahkul, R/o Village- Ludeg (Sukhbasupara), P.S. Pathalgaon, District Jashpur (C.G.)
2. Nitin Khutiya, S/o Shekhar Khutiya, aged about 20 years, by caste- Mahkul, R/o Village- Ludeg, P.S. Pathalgaon, District Jashpur (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Pathalgaon, District Jashpur (C.G.)

... Non-applicant

For Applicants	:	Ms. Indira Tripathi, Advocate.
For Non-applicant/State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicants who are apprehending their arrest in connection with Crime No. 276 of 2016, registered at Police Station- Pathalgaon, District- Jashpur, for the offence punishable under Section 379 of IPC and Sections 135, 138 of the Electricity Act.
2. As per the prosecution case, allegation against the present Applicants is that when an inspection was being conducted at the site on 17.12.2016 it was found that the present Applicants were using electricity by hooking and thus they were found to be committing theft of electricity. The assessment which was made by the Inspector was that the present Applicants is said to have committed a theft of electricity of approximately Rs. 2.4 Lakh. A written complaint thus was lodged on 18.12.2016 based upon which a case has been registered against the present Applicants for the offence punishable under Section 379 of IPC and Sections 135, 138 of the Electricity Act.

3. Learned Counsel for the Applicant submits that Applicant No.2 had moved an application for grant of temporary connection which was granted and the bills which had been raised for the said temporary connection were being paid regularly and as such there is no question of any theft of electricity being committed by the Applicants.

4. The said contention of the learned Counsel for the Applicants does not match with the allegations which are available in the case diary, as the allegations are in respect of theft of electricity by hooking.

5. In view of the allegations which have been levelled against the present Applicants, Applicant No.1 being the owner of the property and Applicant No.2 being the caretaker/user of the said property, this Court is of the opinion that prima facie no strong case for grant of anticipatory bail is made out.

6. Accordingly, the present application under Section 438 of CrPC is dismissed.

Sd/-
(P. Sam Koshy)
Judge