

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5321 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner/accused, seeking to grant anticipatory bail in Cr.No.3937 of 2019 on the file of APTS Police Station, Mahaboobnagar District, registered for the offence under Section 135(1)(b) of Electricity Act, 2003.

2. Heard learned counsel for the petitioner/accused, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. It is alleged in the complaint that on 23.07.2019, when the officials of Electricity Department conducted inspection of the subject premises, they observed that the consumer had tapped the incoming service wire before the meter by means of two core multi strand PVC insulated aluminum wires of about length of 5 mtrs and connected to switchboard on the premises and that the consumer had bypassed the meter with dishonest intention and deliberately indulged in theft of energy.

4. Learned counsel for the petitioner/accused submits that the case of the prosecution is false and baseless and the petitioner has not tampered the wire and he never committed theft of energy. He further submits that the petitioner was paying bills regularly and that at the time of alleged inspection, the petitioner is not the owner of the said premises. He further submits that the petitioner is ready to abide by the conditions imposed by this Court.

5. Learned Additional Public Prosecutor opposed the bail application and contended that earlier also the petitioner had indulged in electricity theft in 2014 and a case in Cr.No.3756 of 2014 was also registered against him and this is the second offence committed by him and hence, he is not entitled for anticipatory bail.

6. In view of the nature of allegations leveled against the petitioner and this the second offence committed by him, this Court is not inclined to grant anticipatory bail to him and his prayer for anticipatory bail is refused. However, if the petitioner/accused surrenders before the trial Court within 15 days from today and moves an application for bail, the trial Court shall consider the same in accordance with law on the same day.

7. With the above directions, the Criminal Petition is dismissed.

8. Miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

12th September, 2019

G. SRI DEVI, J

sj