



CrI.O.P.No.6368 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 135(1)(a) of Electricity Act, in Crime No.50 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the accused had indulged in theft of electricity illegally by using four hooks on wires of the low tension connection to his residence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would further submit that even as per the prosecution, the place where the illegal electricity connection is stated to have been given is a residential place. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner had committed theft of electricity by directly connecting to the low tension wire. He would further submit that as per the investigation, 16 electrical items were used in his house and value has been calculated, based on the usage, the accused had totally used 13.916 kwts of electricity which is equal to Rs.7 lakhs. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that even assuming for a moment regarding, there are totally 13 items which will not be used for 24 hours and the amount will be only less. She would further submit that without prejudice to his right and contention, the petitioner is ready and willing to deposit an amount of Rs.2,00,000/- directly to the electricity department and produce the receipt before the concerned Court, at the time of his surrender.

6. Heard both sides and perused the materials available on record.



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7. Considering the above facts and circumstances of the case and the submissions made on both sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Gummudipoondi**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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