

THE HON'BLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.5135 of 2023

ORDER:

1. This petition is filed seeking anticipatory bail under Section 438 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is the accused in Crime No.2964 of 2023 of A.P.T.S.RR East Police Station, Uppal, Hyderabad. The offence alleged against the petitioner is under Section 135(a) of Electricity Act, 2003.

2. The sum and substance of the case of the prosecution is that the accused allegedly pilfered the electricity from the distribution line. It is also alleged that the accused had previously involved in similar kind of offence and the said offence was compounded treating the same as first offence.

3. Learned counsel for the petitioner submitted that the petitioner had not committed any offence as alleged by the prosecution and he has falsely implicated in this case.

4. Learned Additional Public Prosecutor appearing for the respondent has opposed to grant anticipatory bail to the petitioner.

5. Heard learned counsel on either side and perused the material placed on record.

6. On a perusal of the record, it manifests that the accused was previously involved in the similar kind of offence, which was ended in compromise. Though, the offence involved in this case is second time, the theft of energy in this offence was calculated as Rs.978/-. Considering the amount involved in the case on hand, the request of the petitioner can be considered by imposing certain conditions.

7. Accordingly, the Criminal Petition is allowed on the following terms and conditions:

(i) The petitioner/accused is enlarged on bail in the event of his arrest in connection with Crime No.2964 of 2023 of A.P.T.S.RR East Police Station, Uppal, Hyderabad, on executing his personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the like sum each to the satisfaction of concerned Station House Officer.

(ii) The petitioner/accused shall appear before the Station House Officer, A.P.T.S.RR East Police Station, Uppal, Hyderabad on every Monday and Sunday between 10.00 am and 05.00 pm, for a period of two months.

(iii) The petitioner/accused shall abide by the other conditions stipulated in Section 438 (2) Cr.P.C and co-operate with the Investigating Officer in investigating the case.

(iv) The petitioner/accused shall give undertaking that he shall not re-indulge in similar kind of offences in future, if any such offence is committed, it is open to the prosecution to move an application to cancel the bail.

20.06.2023
Dua/Prn

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