



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.130 of 2018

K.SARAVANAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION, MADURAI.
(CRIME NO.587 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner: M/S.T.RAMESH, Advocate for
M/S.S.SARAVANAKUMAR, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

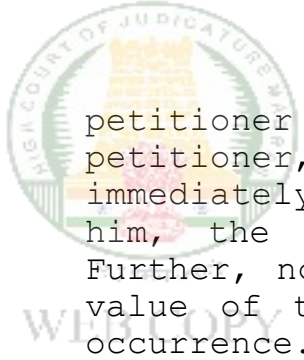
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 409 & 420 IPC in Crime No.587 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.10.2017 the petitioner along with other accused stolen 181 nos. of batteries belonging to Tamilnadu Electricity Board worth about Rs.12,77,178/-.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Sections 409 & 420 IPC. It is alleged that during the time of occurrence, all the accused in this case have committed theft of batteries belonging to Tamilnadu Electricity Board worth about Rs.12,77,178/-. As per the averments made in FIR, the



petitioner herein is the Store Controller. According to the petitioner, he has omitted to report to the supervising authority immediately, after knowing the theft of batteries. So according to him, the petitioner committed the offence of negligence only. Further, now the petitioner is willing to deposit a portion of the value of the property, which were stolen away from the scene of occurrence. Now, considering the entire aspects of the case, the stolen properties would not be used by public and it could only be used by the Tamil Nadu Electricity Department, particularly in the power stations.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain stringent conditions.

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 of receipt of a copy of this order, before the learned Judicial Magistrate, T.Vadipatti, Madurai District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.

(ii) the petitioner is directed to deposit a sum of Rs.4,25,000/- to the credit of Crime No.587 of 2017 before the learned Judicial Magistrate, T.Vadipatti, Madurai District.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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].

sd/-
23/01/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, T.VADIPATTI,
MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SARAVANAKUMAR Advocate SR.No.1231

ORDER

IN

CRL OP (MD) No.130 of 2018

Date :23/01/2018

MS/PM-PN/SAR.3/29.01.2018/ 3P.6C