

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9795 of 2020

G.Kannan
S/o.Govindan,
No.5, C-24, Anand Brindavanam Apartment,
4th Trust Cross Street, Mandvelipakkam,
Chennai - 28. ...Petitioner

Vs.

State Rep. by
The Inspector of Police,
E-5, Foreshore Estate Police Station,
Chennai. ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.469 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 342 and 353 of IPC, in Crime No.469 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the Electricity Board official had changed the Metre in the house of the petitioner and thereafter some dispute arose between the family of the petitioner and the Electricity Board official with regard to fault in the electric line at the house of the petitioner and when the official visited the house of the petitioner, he illegally detained the official of the Electricity Board. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that one Gopal, Electricity Board, had suddenly come and changed the Metre in the house of the petitioner without any intimation and thereafter there was fault in the electric line, for which, the petitioner also made complaint before the Chairman, TANGEDCO. He further submitted that the petitioner had acted according to the principles of law but, due to the negligence on the part of the

official of Electricity Board, fault has been occurred in the electric line at the house of the petitioner, which is very dangerous. The defacto complainant at the instigation of the said official had filed this false complaint against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the Electricity Board official had changed the Metre in the house of the petitioner and thereafter some fault occurred in the electricity line and when the Assistant Engineer of the Electricity Board visited the house of the petitioner, he was illegally detained by the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. This Court is of the opinion that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the Chief Minister Public Relief Fund, Tamilnadu, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of Chief Minister Public Relief Fund, Tamilnadu, within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned XXIII Metropolitan Magistrate, Saidapet, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Chief Minister Public Relief Fund, Tamilnadu, and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

either during investigation or trial.

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

[f] 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].

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

-sd/-

01/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE E-5 FORESHORE ESTATE
POLICE STATION, CHENNAI CR.NO.469 OF 2020.

4 THE SECRETARY
THE CHIEF MINISTER PUBLIC RELIEF FUND,
TAMILNADU,
ST GEORGE TOWN, CHENNAI

CC to M/S.C.GANESH PANDIAN Advocate on payment of necessary charges

CRL OP.9795/2020

Date :01/07/2020

RD 17/08/2020