

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.17633 of 2020

Ramachandran

... Petitioner

Vs.

State rep by,
The Inspector of Police,
T-15, SRMC, Police Station,
Chennai.
(Crime No.865 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, in Crime No.865 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Joel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.09.2020 for the offences punishable under **Section 379 of IPC** in Crime No.865 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant ER.S.Nirmal Raj, Assistant Engineer, Tamil Nadu Electricity Board Sub Station, Porur, Chennai, is that the accused committed theft of 11 KV 3x300 59 mm High Tension XLPE Cables and Drum worth Rs.21 lakhs belongs to the Tamil Nadu Electricity Board.

3.The learned counsel appearing for the petitioner would submit that the petitioner/A4 is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is a Crane Operator engaged by the Contractors of the Tamil Nadu Electricity Board and on the instructions of his Contractors, the petitioner lifted the wires and loaded in the lorry. Other than that, the petitioner was not aware of the fact that why the contractors are shifting the cables and that the petitioner has been

arrested in this case as if, he is the associate of the other accused. He would submit that other than receiving salary, the petitioner did not receive any share from the booty from the other accused. He would further submit that the other accused have also been arrested and the petitioner's name is not found in the F.I.R. and that the petitioner has been suffering incarceration from 20.09.2020. Hence, he seeks for grant of bail.

4.The learned Government Advocate (CrI. Side) would vehemently oppose stating that the petitioner who is a Crane Operator, along with other accused committed theft of 11 KV 3x300 59 mm High Tension XLPE Cables and Drum worth Rs.21 lakhs from Tamil Nadu Electricity Board. He would further submit that the other accused have also been arrested and the investigation is pending.

5.Taking into consideration of the facts and submissions made by the learned counsels and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 **learned Judicial Magistrate-I, Poonamallee**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner on his release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
09/11/2020

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 JUDICIAL MAGISTRATE-I
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-15 SRMC, POLICE STATION,
CHENNAI.

5 THE JAILER,
SUB-JAIL, CHENGALPATTU.

+1 CC to M/S.S.JOEL Advocate on payment of necessary charges
SR.NO.7418

CRL OP.17633/2020

Date :09/11/2020

TA-10/11/2020

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