

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.18656 of 2020

Ajith

... Petitioner

Vs.

The State represented by
The Inspector of police,
Kanakammachatram Police Station,
Tiruvallur District.
Crime No.1895 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.1895 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Ganesan

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 454 and
380 of IPC in Crime No.1895 of 2020, on the file of the respondent
police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant
Nazeembabu, the Assistant Electrical Engineer, TNEB, is that the
petitioner along with other accused had break open the door or the
TNEB Office store room and committed theft of EB wires weighing
637 kgs. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the
petitioner is an innocent person and he has been falsely implicated
in this case based on the confession statement recorded from the
arrested accused. He would submit that the contraband has been
recovered from the arrested accused and the arrested accused have
also been enlarged on bail. Hence, he prays for grant of anticipatory
bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the the petitioner along with other accused committed theft of 637 kgs of electric wires from Tamil Nadu Electricity Board Store Room. He would submit that A1 and A3 have been arrested and the entire contraband have been recovered from the arrested accused. He would further submit that there is no previous case as against the petitioner. However, he opposed the grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel and the fact that co-accused in this case have been enlarged on bail and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy this made ready, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Tiruttani, 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 report before the respondent police every day 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 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 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.

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

-sd/-

11/12/2020

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,
TIRUTTANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANAKAMMACHATRAM POLICE STATION,
TIRUVALLUR DISTRICT.

CC to M/S.T.GANESAN Advocate on payment of necessary charges

CRL OP.18656/2020

Date :11/12/2020

RVR 17/12/2020

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