



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

Date : 25/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9674 of 2020

Kalaignar

... Petitioner/Single Accused

Vs

The State rep.by
The Inspector of Police,
Seithur Police Station,
Rajapalayam Taluk,
Virudhunagar District.
Crime No.297/2020.

... Respondent/Complainant

For Petitioner : Mr.R.Niresk Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

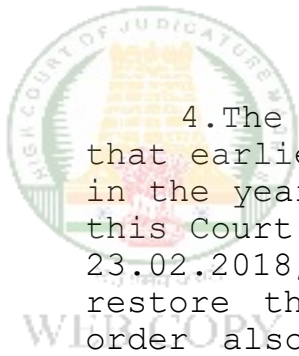
For Anticipatory Bail in Crime No.297/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 135(1)(a), 138(1)(a) and 138(1)(b) of Electricity Act, 2003 IPC, in Crime No. 297 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner said to have draw energy from a disconnected service connection of the defacto complainant's Department and indulged in theft of electricity. Based on the complaint given by the defacto complainant the case has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner would submit that earlier the petitioner service connection has been disconnected in the year 2019 and the petitioner has filed a Writ Petition before this Court in W.P(MD)No.3820 of 2018, and this Court, by order dated 23.02.2018, had directed the defacto complainant's Department to restore the service connection with certain conditions. The said order also has been complied with. But, the defacto complainant given a false complaint against the petitioner.

5.The learned Government Advocate(Crl.Side) appearing for the respondent police, on instructions, submitted that this is the second violation. Earlier, the petitioner said to have disconnected the electricity connection and he has filed a Writ Petition and this Court passed the conditional order and the service connection has been restored. He further submitted that the petitioner once again indulged in the theft of electricity.

6.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, 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:

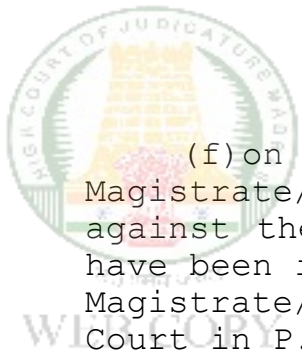
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand Only) to the credit of Crime No.297 of 2020 before the learned Judicial Magistrate, Rajapalayam, within a period of four weeks without prejudice to his rights and contentions before the trial Court;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness 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]; and;

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

sd/-
25/09/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SEITHUR POLICE STATION,
RAJAPALAYAM TALUK, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9674 of 2020
Date : 25/09/2020

VSD
TK/VR/SAR.2/01.10.2020/3P/5C