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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) . No.11314 of 2020

Syed Ali

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Thiruchendur Police Station,
Tuticorin District.
(Crime No. 412 of 2020)

... Respondent/Complainant

For Petitioner : M/s.V.Malaiyendran,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.412 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner is the sole apprehending arrest at the hands of the respondent police for the offences punishable under section 135 (1) (b) of the Electricity Act, 2003 of IPC, in Cr No.412/2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 07.10.2020, at about 2.30 p.m, the Assistant Executive Engineer, Electricity Board went to the Company of the petitioner viz., 'A.S.Minerals' and inspected the 3 Phase Service Connection and found that energy theft, which was committed by the petitioner. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.
<https://hcservices.ecourts.gov.in/hcservices/>



4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioner.

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5. The learned Government Advocate (Crl.Side), appearing for the respondent police submitted that the petitioner is the sole accused. on 07.10.2020, at about 2.30 p.m, the Assistant Executive Engineer, Electricity Board went to the Company of the petitioner viz., 'A.S.Minerals' and inspected the 3 Phase Service Connection and found that energy theft, which was committed by the petitioner. He further submitted that if the petitioner willing to pay a sum amount, this Court may consider the anticipatory bail application of the petitioner.

6. Considering the above facts and circumstances of the case and considering the fact of the learned Government Advocate (Crl.Side), this Court is 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, Thiruchendur, 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 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 is directed to deposit a sum of Rs.50,000/- to the credit of Crime No.412 of 2020 before the learned Judicial Magistrate, Thiruchendur.

(b) the petitioner and the sureties shall affix his 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 his identity;

(c) the petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of two weeks and thereafter as on 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/10/2020

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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, THIRUCHENDUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUCHENDUR POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11314 of 2020

Date :14/10/2020

DSS

TE/VR/SAR-IV : 19/10/2020 : 3P/5C