

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4495 of 2021

SARAVANAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MADIPAKKAM POLICE STATION,
ST.THOMAS MOUNT,
CHENNAI.
CRIME NO.997 OF 2020.

[RESPONDENT]

For Petitioner : M/S.MURUGANANTHAN K Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC and 135 (1) (a), 138 (1) (a) of the Electricity Act, 2003 in Crime No.997 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant AE (O&M) TANGEDCO, Nanganallur is that the petitioner had committed theft of electricity and the value is accessed is to the tune of Rs.55,000/-. 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. He would submit that the petitioner is a tenant and there was a dispute between the petitioner and the house owner in respect of the premises. He would submit that the defacto complainant, being a house owner had tampered with the electricity connection and he has falsely implicated the petitioner. He would submit that the earlier application for anticipatory bail was dismissed for default due to non appearance of the petitioner. He would further submit that now, without prejudice to the contentions raised by the prosecution, the petitioner has also deposited twice

an amount claimed by the Electricity Board. He would submit that the petitioner is prepared to deposit an amount of Rs.25,000/- to the credit of Crime Number and hence, he would pray for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would oppose stating that the petitioner had committed theft of electricity and the value is accessed to about Rs.55,000/- to the Electricity Board. However he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the counsels on either side and perused the materials placed on record.

6.Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner is prepared to deposit an amount of Rs.25,000/- to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed to deposit an amount of Rs.25,000/- to the credit of Crime No.997 of 2020 and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate No.2 Alandur, 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:

[b] 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.

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of one week and thereafter, 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].

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

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

-sd/-
10/03/2021

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,
NO.2, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MADIPAKKAM POLICE STATION,
ST. THOMAS MOUNT,
CHENNAI

+1 CC to M/S. MURUGANANTHAN K Advocate on payment of necessary charges SR.NO.3092

CRL OP.4495/2021

सत्यमेव जयते Date: 10/03/2021

TA-18/03/2021

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