

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3268 of 2021

1. P.Shanmugavel ... Petitioners
2. Muthulatchumi

-Vs-

The State of Tamil Nadu Rep, by ... Respondent
The Inspector of Police,
Aliyar Police Station,
Aliyar, Pollachi TK,
Coimbatore District.
(Crime No.227 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.227 of 2020 is pending on the file of the respondent police.

For Petitioners : Mr.R.Kannan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest for the alleged offences under Sections 427 of IPC and Section 135(1)(b) of Electricity Act 2003, in Crime No.227 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have damaged the electricity wires. Hence the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. He would further submit that there is no previous case pending as

against the petitioners Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners have damaged the electricity wires. He would further submit that the second petitioner is not an accused in this case. He would further submit that there is no previous case pending as against the petitioners. He would further submit that the investigation is almost completed.

5. Considering the facts and circumstances of the case and that the second petitioner is not an accused in this case and there is no previous case pending as against the petitioners. Hence, this Criminal Original Petition is closed as against the second petitioner. Therefore, this Court is inclined to grant anticipatory bail to the 1st petitioner with certain conditions.

6. Accordingly, the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Pollachi, on condition that the 1st 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 1st 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 their identity.

[b] the 1st petitioner shall report before the respondent Police as and when required for interrogation.

[c] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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]**.

[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/-
19/02/2021

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, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALIYAR POLICE STATION,
ALIYAR, POLLACHI TALUK,
COIMBATORE DISTRICT.

+1 CC to M/S.R.KANNAN Advocate on payment of necessary charges
SR.NO.2007

CRL OP.3268/2021

सत्यमेव जयते Date :19/02/2021

TA-25/02/2021

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