

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.19515 of 2020

1.Rangarajan
2.Noor Mohammed

... Petitioners/Accused 1 & 2

Vs.

The State Represented by,
The Inspector of Police,
Pallavaram Police Station,
Chennai-600 043.
(Cr.No.1033 of 2020)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.1033 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.N.Selvaraju

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 135 (1)(b) of the Indian Electricity Act 2003, in Crime No.1033 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 2nd petitioner is running a Ice factory in the 1st petitioner's land and the 2nd petitioner illegally draw electricity for his business purpose, which assessed about Rs.81,086/-. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and that they are no way connected in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the 2nd petitioner is running a Ice factory in the 1st petitioner's land and the 2nd petitioner, illegally draw electricity and committed the energy theft, assessed at Rs.81,086/-. He would submit that the petitioners have no previous case against them. Hence, he vehemently opposed for grant of anticipatory bail.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to deposit a sum of Rs.81,086/- (Rupees Eighty One Thousand and Eighty Six Only) to the credit of crime No.1033 of 2020 within a period of fifteen days from the date on which the copy of the order is made ready. On such deposit, the petitioners are ordered to be released on bail, in the event of arrest or on his appearance, before the Judicial Magistrate Court No-2, Tambaram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall deposit a sum of Rs.81,086/- each to the credit of Crime No.1033 of 2020 before the learned Magistrate within a period of fifteen days from the date of receipt of copy is made ready.

[c] the petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

05/01/2021

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.II, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLAVARAM POLICE STATION,
CHENNAI-600 043.

CC to M/S.N.SELVARAJU Advocate on payment of necessary charges
SR.NO.132

CRL OP.19515/2020

सत्यमेव जयते Date :05/01/2021

RVR 18/01/2021

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