

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20267 of 2020

V. Kuppurathinam

.... Petitioner

Vs.

The state represented by
Sub Inspector of Police,
Desur Police Station
Vanthavaasi, Thiruvannamalai District.
(Crime No.909 of 2020).

....Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No. 909 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Venkat

For Respondent : Mr.S. Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Section 135(1) (a) of Electricity Act 2003, in Crime No.909 known of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner has put an electric fence in his farm which is against the Electricity Act 2003. It is further alleged that the permission required for the erecting electric fence has not been properly obtained from the Electricity Department. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner has violated the provisions of Electricity Act by putting an electric fence in his farm. Therefore, he opposed to grant of bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions. Accordingly, the 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 Principal District Munsif cum-Judicial Magistrate, Vanthavasi, Thiruvannamalai District 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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 their identity.

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

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

[d] the 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 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.

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

-sd/-

25/01/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VANTHAVASI, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

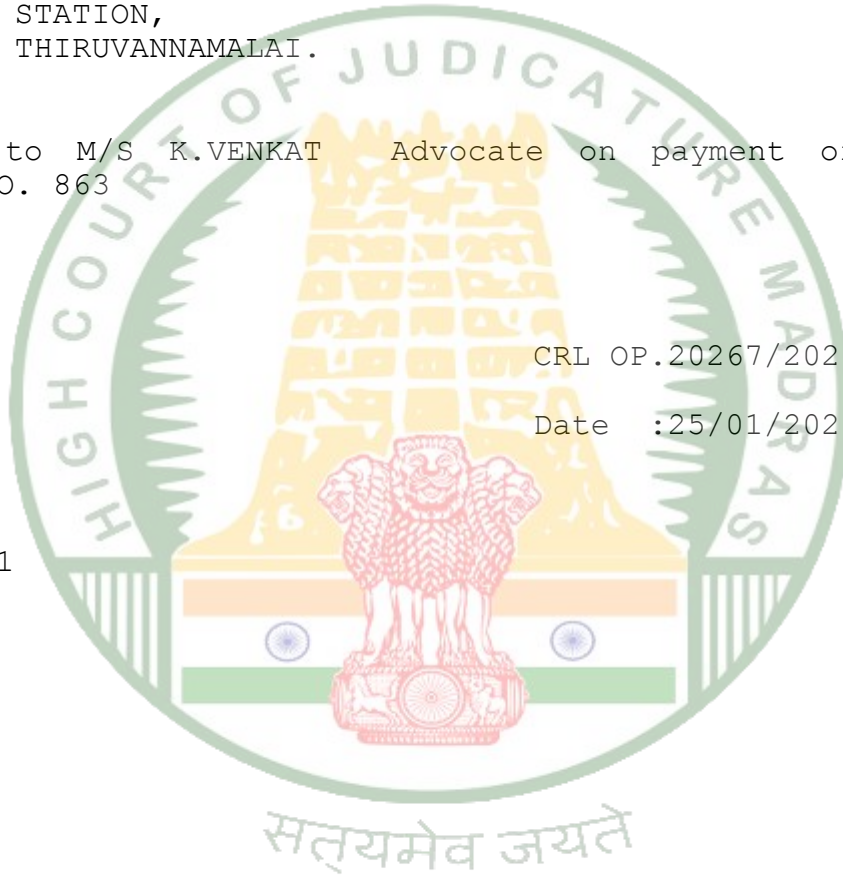
4 THE SUB-INSPECTOR OF POLICE,
DESUR POLICE STATION,
VANTHAVAASI, THIRUVANNAMALAI.

+1 CC to M/S K.VENKAT Advocate on payment of necessary
charges SR NO. 863

CRL OP.20267/2020

Date :25/01/2021

MN-02/02/2021



WEB COPY