



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.09.2021
PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12497 of 2021

Muthaiya

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.110/2021).

... Respondent/Complainant

For petitioner : Mr.P.VEERAPANDI
Advocate.

For Respondent : Mr.T.KOTTAI CHAMY
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail Crime No.110 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 135 (1) (a) and 135 (1) (b), Electricity Act, 2003, in Crime No.110 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally taken the electricity for agriculture purpose and has committed loss to the Tamil Nadu Electricity Board to the tune of Rs.25,000/-. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person. He further submits that the petitioner is the owner of the land and he used the electricity for the agricultural purpose only. He further submits that the petitioner has applied for electricity service connection, but the same has not been provided till date. Therefore, the petitioner has sent a complaint against the Department. Therefore, a false complaint has been foisted against the petitioner. In fact, the allegation against the petitioner is that he has taken the electricity for the agricultural purpose. The petitioner is a poor agriculturist and not having any penny to pay the department.



4.The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5.Considering the nature of allegation against this petitioner and his status, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 p.m. until further orders;

(c)the petitioner shall not tamper with the 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]; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/09/2021

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/ /2021

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 No.III
TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12497 of 2021

Date :15/09/2021

SA/VR/SAR.3/22.09.2021/3P/5C