



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.3312 of 2022

MADHANA KUMAR @ MADHAN KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
S12 CHITLAPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CRIME NO.48 OF 2020.

[RESPONDENT]

For Petitioner : M/S.M.KOKILA, Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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 offence punishable under Section 138(1)(b) of Electricity Act, 2003 in Crime No.48 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner apprehending arrest on a complaint given by the Assistant Executive Engineer, TANGEDCO, Chennai, alleging that the petitioner along with other accused have stolen the energy to the tune of Rs.1,45,477/- before this Court seeking anticipatory bail. Hence, the complaint.

3. The learned counsel for the petitioner has submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.side) has submitted that the petitioner along with other accused have stolen the energy to the tune of Rs.1,45,477/-. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Since the allegations made against this petitioner is grave in nature i.e., theft of energy to the tune of Rs.1,45,477/-, the petitioner shall enjoy the liberty of payment of deposit of Rs.1,45,477/- (Rupees One Lakh Forty Five Thousand Four Hundred and Seventy Seven Only) in the Crime No.48 of 2020 before the learned Judicial Magistrate, Tambaram, within a period of 15 days from today.

6. Considering the facts and circumstances of the case and rival submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tambaram, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

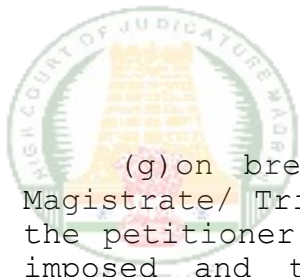
(b) the petitioner shall deposit a sum of Rs.1,45,477/- (Rupees One Lakh Forty Five Thousand Four Hundred and Seventy Seven Only) to the credit of Crime No.48 of 2020 before the learned Judicial Magistrate, Tambaram within a period of 15 days from today, failing which, the bail granted by this Court shall stand dismissed automatically.

(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the Investigation Officer as and when required for an interrogation ;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;



(g) 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 is 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

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

-sd/-
14/03/2022

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
S12 CHITLAPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SENTHILVEL Advocate on payment of necessary
charges SR.NO.3960

CRL OP.3312/2022

Date :14/03/2022

JPA 17/03/2022