



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.9600 of 2022

WEB COPY

Selvakumar

.. Petitioner

Vs.

The State of rep. by
The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.
(Crime No.639 of 2000)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Spl.C.C.No.2 of 2019 on the file of the Principal Sessions Court, Dharmapuri.

For Petitioner : Mr.J.Pradeep

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested on 26.03.2022 for the offences punishable under Sections 39(1) of I.E. Act read with Section 379 of IPC, in Spl.C.C.No.2 of 2019 on the file of the Principal Sessions Court, Dharmapuri, seeks bail.

2.This petitioner is arrayed as one of the accused in a case of the electricity theft. The case was registered in the year 2000 and initially, the case was tried by the learned Judicial Magistrate, Harur and later, the trial was transferred to the Principal Sessions Court, Dharmapuri. This petitioner has not attended the Court during the date of trial. Hence, NBW was issued and the same got executed on 26.03.2022.

3.Learned counsel for the petitioner submits that the land belongs to their father and the electricity connection stands in the name of his mother. This petitioner has no role in the alleged theft. However, he was arrayed as one of the accused. He was regularly attending, when the matter was heard before the learned Judicial Magistrate, Harur. He was not aware of the transfer of the case to the Principal Sessions Court, Dharmapuri. Hence, he could



not attend the court. Further more, A1, who is the father of the petitioner, died long back and therefore, he was under the impression that the case is closed.

4. Considering the facts of the case and the reasons stated for non appearance, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Court, Dharmapuri;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

1.the petitioner is directed to appear before the concerned Court on the first working day of every month at 10.30 a.m., till the completion of the trial;

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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 229A IPC.

-sd/-

27/04/2022

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 PRINCIPAL SESSION COURT,
DHARMAPURI

2 THE JUDICIAL MAGISTRATE,
HARUR

3 INSPECTOR OF POLICE,
KAMBAINALLUR POLICE STATION,
DHARMAPURI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE JAILER,
SUB JAIL, HARUR

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.9600/2022

Date :27/04/2022

RVR 28/04/2022