



Crl.O.P.No.6622 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

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THE HON'BLE MRS. JUSTICE **T.V.THAMILSELVI**

Crl.O.P.No.6622 of 2023

1.Muniraj @ Muniraja

2.Anand

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thirukovilur Police Station,
(Crime No.19 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.19 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.S.J.Rajajanakiraman

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.02.2023, for the offences punishable under Sections 379 of IPC r/w 136(1)(a), 137 of Indian Electricity Act, in Crime No.19 of 2023, on file of the respondent police, seek bail.

2. Based on the complaint given by one Sivakumaran, Assistant Engineer, TANGEDCO, Town-2, Thirukoilur, that the accused, by damaging the 100KVA transformer located in Palengur Village, has stolen the Copper coils from it, a case in Crime No.19 of 2023 was registered for the offence under Section 379 of IPC. During the course of investigation, the offence was altered to one under Section 379 of IPC r/w Sections 136(1)(a), 137 of Indian Electricity Act.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the 2nd petitioner's wife is running a proprietorship company named Shobana Traders, which indulged in trading the materials like scraps, copper etc. and the first petitioner is working in the said



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company. He further submitted that the petitioners, without knowing the fact that the property was a stolen property, they have purchased the same from the other accused, thereby, they are no way connected with the alleged offence. He also stated that the co-accused have released on bail and the petitioners are in custody from 07.02.2023 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners, who are arrayed as A5 & A6, have purchased the Copper Coils, which were stolen by other accused, from the transformer situated in Palengur Village, belongs to the TANGEDCO, for a valuable consideration. He further submitted that the stolen properties have been recovered from the petitioners and the investigation also completed. Therefore, he vehemently opposed to grant bail to the petitioners.



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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also a fact that the investigation is completed and the co-accused persons have granted bail and also the stolen property has been recovered and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (one surety must be a blood related surety), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thirukovilur, Kallakurichi District** and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of three months.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 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]*;

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

28.03.2023

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To

1. The Judicial Magistrate Court,
Thirukovilur, Kallakurichi District.
2. The Inspector of Police,
Thirukovilur Police Station.
3. The Superintendent,
Sub-Jail, Thirukoilur.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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