



Crl.O.P.No.7040 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2023

CORAM :

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

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1. Muniraj @ Muniraja
S/o. Pichakani @ Pitchaikani

2. Anand,
S/o. Seshaiyah @ Sesaiya

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Thirukovilur Police Station.
(Crime No.92 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.92 of 2023 on the file of respondent police.

For Petitioners : Mr.S.J.Raja Janakiraman

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.02.2023 for the alleged offence under Section 379 of I.P.C. r/w Sec. 136(1)(a), 137 of Indian Electricity Act in Crime No.92 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that based on a complaint given by the defacto complainant stating that the accused by damaging the transformer said to have stolen copper coil from it. Hence, the complaint was registered against the petitioners.

3. The learned counsel for the petitioners submitted that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that the 2nd petitioner's wife is running a proprietaryship company viz., Shobaa traders, in which they are regularly trading materials like scrabs, copper etc. and they are also paying taxes and they are GST holder and a law abiding citizens. He would also submit that without knowing grievance



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of the theft property, they have innocently purchased the theft property.

So, they have been falsely implicated in this case only for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration from 07.02.2023 and this is the second petition seeking for bail. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioners are arrayed as A5 and A6 in this case. He would submit that they have purchased the copper coils, which were stolen by other accused from the transformer belongs to TANGEDCO for a valuable consideration. He would submit that the property was recovered from them. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact



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that the property was recovered from them and also on considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Thirukoilur, Kallakurichi District**, and on further conditions that:

(a) 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;

(b) the petitioners shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. for period of two months ;

(c) the petitioners shall not commit any offences of similar nature;



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(d) the petitioners shall not abscond either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

05.04.2023

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To

1. The II Judicial Magistrate,
Thirukovilur, Kallakurichi Dt.
2. Inspector of Police,
Thirukovilur Police Station.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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