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Crl.O.P.No.6542 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.6542 of 2023

Ibrakim

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiyagadurgam Police Station,
Kallakuruchi District.

(Crime No.43 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.43 of 2023 on the file of
the respondent police.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was 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[1] of IE Act in Crime No.43 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is an employee of the Electricity Board and he along with other accused had disconnected the power supply and broken open the transformer and had stolen copper coil from the transformer and thereby caused damage to the Electricity Department to the tune of Rs.12.00 lakhs totally. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been suspended from the service. He would submit that other than giving training to the contract employees, he has not committed any offence, whereas, the said contract employees have committed the offence and they have stolen the copper coils. He would further submit that the petitioner even as per the prosecution, the alleged



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stolen copper coils have been recovered and the major part of the investigation is also over. He would submit that the petitioner is in custody from 07.02.2023 and he was originally arrested in Crime No.92 of 2023 registered by Thirukoilur Police Station and later he has been remanded by way of PT warrant on various dates. He would submit that in the main case in Crime No.92 of 2023, the petitioner has been granted bail by this Court in Crl.O.P.No.5014 of 2023 dated 03.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with other accused had defused the power supply and have broken open the transformer and stolen the copper coils from the transformer and thereby caused damages to the Electricity Department to the tune of Rs.12.00 lakhs totally. He would submit that stolen copper coils have been recovered and the investigation is almost completed. He would further submit that the petitioner has been arrested on PT Warrant. The petitioner has been granted bail by this Court in Crl.O.P.No.5014 of 2023 dated 03.03.2023. Hence, he opposed for grant of bail to the petitioner.



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5. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thirukoilur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Inspector of Police, Thirukoilur Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

23.03.2023

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A.D.JAGADISH CHANDIRA.,J.

mpa

To

1. The Judicial Magistrate,
Thirukoilur.
2. The Inspector of Police,
Thiyagadurgam Police Station,
Kallakuruchi District.
3. The Sub Jail,
Thirukoilur.
4. The Public Prosecutor,
High Court of Madras.

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