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Crl.O.P.Nos.7449, 7451, 7453, 7455 & 7456 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

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

Crl.O.P.Nos.7449, 7451, 7453, 7455 & 7456 of 2023

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... Petitioner in all Crl.O.Ps

Vs.

The State represented by,
The Inspector of Police,
Thirukoilur Police Station.
(Crime Nos.92, 19 & 94 of 2023).

.. Respondent in Crl.O.P.Nos.7449, 7451
& 7456 of 2023

The State represented by,
The Inspector of Police,
Rishivanthiyam Police Station.
(Crime No.35 of 2023).

.. Respondent in Crl.O.P.No.7453 of 2023

The State represented by,
The Inspector of Police,
Thiyagadurgam Police Station.
(Crime No.43 of 2023).

.. Respondent in Crl.O.P.No.7455 of 2023



Crl.O.P.Nos.7449, 7451, 7453, 7455 & 7456 of 2023

Prayer in Crl.O.P.No.7449 of 2023: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.92 of 2023, pending investigation on the file of the respondent Police.

Prayer in Crl.O.P.No.7451 of 2023: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.19 of 2023, pending investigation on the file of the respondent Police.

Prayer in Crl.O.P.No.7453 of 2023: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.35 of 2023, pending investigation on the file of the respondent Police.

Prayer in Crl.O.P.No.7455 of 2023: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.43 of 2023, pending investigation on the file of the respondent Police.

Prayer in Crl.O.P.No.7456 of 2023: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.94 of 2023, pending investigation on the file of the respondent Police.

In all Crl.O.Ps.,

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.C.E.Pratap
Government Advocate (Crl.side)



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COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.02.2023, in connection with Crime Nos.92, 19, 35, 43 and 94 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution in Crl.O.P.No.7449 of 2023 as per the de-facto complainant one Sampathraja, Junior Engineer, Operation and Maintenance, TANGEDCO, Thirukoilur West, is that some persons have stolen the Copper coil, worth about Rs.6 lakhs, by damaging the 100KVA and 63 KVA transformers. Based on his complaint, a case in Crime No.92 of 2023 came to be registered for the offence under Section 379 of IPC. Later during the course of investigation, it came to light that the accused have committed the said offence, thereby, the case has been altered to one under Sections 379 of IPC r/w 136(1)(a) & 137 (1) of Indian Electricity Act, 2003. Hence the case.

2.2. The case of the prosecution in Crl.O.P.No.7451 of 2023 as per the de-facto complainant one Sivakumaran, Assistant Engineer, TANGEDCO, Town-2 Thirukoilur, is that some persons have stolen the



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Copper coil, by damaging the 100KVA transformer. Based on his complaint, a case in Crime No.19 of 2023 came to be registered for the offence under Section 379 of IPC. Later during the course of investigation, it came to light that the accused have committed the said offence, thereby, the case has been altered to one under Sections 379 of IPC r/w 136(1)(a) & 137 (1) of Indian Electricity Act, 2003. Hence the case.

2.3. The case of the prosecution in Crl.O.P.No.7453 of 2023 as per the de-facto complainant one R.Kirubakaran, Junior Engineer, Operation and Maintenance, TANGEDCO, is that someone have stolen the Copper coils, by damaging three 100KVA transformers located at three different locations. Based on his complaint, a case in Crime No.35 of 2023 came to be registered for the offence under Section 379 of IPC. Later during the course of investigation, it came to light that the accused have committed the said offence, thereby, the case has been altered to one under Sections 379 of IPC r/w 136(1)(a) & 137 of Indian Electricity Act, 2003. Hence the case.

2.4. The case of the prosecution in Crl.O.P.No.7455 of 2023 as per



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the de-facto complainant one one Manikandan, Assistant Engineer, TNEB, TANGEDCO, Thiyyagadurgam, Kallakurichi, is that someone have stolen the Copper coils worth about Rs.2lakhs, by damaging the 100KVA transformer. Based on his complaint, a case in Crime No.43 of 2023 came to be registered for the offence under Section 379 of IPC. Later during the course of investigation, it came to light that the accused have committed the said offence, thereby, the case has been altered to one under Sections 379, 120(B), 411 of IPC r/w 136(1)(a) & 137 of Indian Electricity Act, 2003. Hence the case.

2.5. The case of the prosecution in Crl.O.P.No.7456 of 2023 as per the de-facto complainant one R.Kirubakaran, Junior Engineer, Operation and Maintenance, TANGEDCO, G.Ariyur - 605 751, is that someone have stolen the Copper coil, by damaging the 100KVA/22KV transformer. Based on his complaint, a case in Crime No.19 of 2023 came to be registered for the offence under Section 379 of IPC. Later during the course of investigation, it came to light that the accused have committed the said offence, thereby, the case has been altered to one under Sections 379 of IPC r/w 136(1)(a) & 137 (1) of Indian Electricity Act, 2003. Hence the case.



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3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is a scrap dealer, who involved in trading the materials like scraps, copper etc. He further submitted that the petitioner without knowing the fact that the property was a stolen property had purchased the same from other accused, on believing that the properties were scrap materials, thereby, the petitioner is no way connected with the alleged offence. He also stated that the petitioner is in custody from 25.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the main accused in this case have been granted bail by this Court in Crl.O.P.Nos.6476, 6536, 6540, 7507, 7509 & 7510 of 2023 vide orders dated 21.03.2023, 23.03.2023 & 06.04.2023 respectively. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for respondent would submit that the petitioner is arrayed as A3 in this case. He further submitted the petitioner has purchased the copper coils, which were stolen by other accused from the transformers belongs to TANGEDCO,



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which are situated at different locations, for a valuable consideration. He also submitted that the property were recovered from the accused. He further submitted that the investigation has almost been completed. However, he vehemently opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the investigation is almost completed and also considering that the co-accused have been granted bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond in each crime number for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the



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satisfaction of the **learned Judicial Magistrate, Thirukoilur and the learned Judicial Magistrate No.II, Kallakurichi District respectively**, 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 Bank pass Book to ensure their identity;

[b] the petitioner shall report

(i) before the Inspector of Police, Thirukoilur Police Station, everyday at 10.30 a.m., until further orders;

(ii) before the Inspector of Police, Rishivanthiyam Police Station, on every Monday and Wednesday at 6.30 p.m., for two weeks and

(iii) before the Inspector of Police, Thiyagadurgam Police Station on every Tuesday and Thursday at 6.30 p.m., for two weeks;

[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



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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.

12.04.2023

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To

1. The Judicial Magistrate,
Thirukoilur.
2. The Judicial Magistrate No.II,
Kallakurichi District.
3. The Inspector of Police,
Rishivanthiyam Police Station.
4. The Inspector of Police,
Thiyagadurgam Police Station.
5. The Inspector of Police,
Thirukoilur Police Station.
6. The Central Prison,
Cuddalore.
7. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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