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Crl.O.P.Nos.7507, 7509 & 7510 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

Crl.O.P.Nos.7507, 7509 & 7510 of 2023

1.Muniraj @ Muniraja

2.Anand

... Petitioners in all Crl.O.Ps

Vs.

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

.. Respondent in Crl.O.P.No.7507 of 2023

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

.. Respondent in Crl.O.P.No.7509 of 2023

The State represented by,
The Inspector of Police,
Thirupalapanthal Police Station,
(Crime No.77 of 2023).

.. Respondent in Crl.O.P.No.7510 of 2023

COMMON PRAYER: Criminal Original Petitions filed under Section 439
of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in connection



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with the Crime Nos.35, 43 and 77 of 2023, pending investigation on the file of the respondent Police.

In all Crl.O.Ps.

For Petitioners : Mr.S.J.Raja Janakiraman
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody in connection with Crime Nos.35, 43 and 77 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution in Crl.O.P.No.7507 of 2023 is that based on the complaint given by one Kirubakaran, Junior Engineer, Operation and Maintenance, TANGEDCO, G.Ariyur, that the accused, by damaging the 100KVA transformer, has stolen the Copper coil from it, a case in Crime No.35 of 2023 was registered for the offence under Sections 379 of IPC r/w 136(1)(a) of Indian Electricity Act.

2.2. The case of the prosecution in Crl.O.P.No.7509 of 2023 is that based on the complaint given by one Manikandan, Assistant Engineer,



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TNEB, TANGEDCO, that the accused, by damaging the 100KVA transformer, has stolen the Copper coil from it, a case in Crime No.43 of 2023 was registered for the offence under Sections 379 of IPC r/w 136(1)(a), 137 of Indian Electricity Act.

(ii) Crl.O.P.No.7510 of 2023

2.3 The case of the prosecution in Crl.O.P.No.7510 of 2023 is that based on the complaint given by de-facto complainant, that the accused, by damaging the 100KVA transformer, has stolen the Copper coil from it, a case in Crime No.77 of 2023 was registered for the offence under Section 379 of IPC r/w Section 137(1)(a) 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 is involved in trading the materials like scraps, copper etc. and the first petitioner is working in the said company. He further submitted that the petitioners, without knowing the fact that the property was a stolen property, they have purchased the same from



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the other accused, thereby, they are no way connected with the alleged offence. He also stated that the petitioners are in custody for the past two months 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. 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 the investigation has been almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (crl.side) and perused the materials available on record.

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



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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:

7. Accordingly, the petitioners are ordered to be released on bail on their 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 satisfaction of the **learned Judicial Magistrate, Thirukovilur, Kallakurichi District 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 petitioners shall report before the Inspector of Police, Rishivanthiyam Police Station, on every Thursday at 6.30 p.m., and report before the Inspector of Police, Thiyadurugam Police Station on every Friday at 6.30 p.m., and report before the Inspector of Police, Thirupalapanthal Police Station on every Saturday at 6.30 p.m., until further orders;



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[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.

06.04.2023

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To

1. The Judicial Magistrate,
Thirukovilur, Kallakurichi District.
2. The Judicial Magistrate No.II,
Kallakurichi District.
- 3.The Inspector of Police,
Rishivanthiyam Police Station.
- 4.The Inspector of Police,
Thiyadurugam Police Station.
- 5.The Inspector of Police,
Thirupalapanthal 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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