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CrI.O.P.No.10218 of 2023

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K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Section 379 of I.P.C in Crime No.278 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 12.08.2022, the de-facto complainant viz., Mr.Sundar Rajan who is working as Assistant Executive Engineer, TNEB, Thiruvallur, lodged a police complaint that the Electricity Lines approx. about 1800 meter length were found missing in the location of Melanoor Tasmac Shop and an unknown person has involved in this theft. The respondent Police has taken the complaint of de-facto complainant and registered a case. In this case, 6 persons viz., A1 to A6 were remanded in the judicial custody as accused and the petitioner's name has been mentioned in the Confession Statement of A1. Aggrieved over the same, the petitioner has filed the present petition.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that A1 is an Electricity Contractor who takes contract works in TNEB and the petitioner is working as an employee under A1, on the basis of which, petitioner's name has been falsely implicated as accused in this case. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent Police would submit that the petitioner is a habitual offender. So, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and also, considering the fact the petitioner is only working as an employee under A1 and he is no way connected to the alleged offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court No.1, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the Police Officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and 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 petitioner shall report before the respondent Police, weekly twice i.e., on Tuesday and Thursday at 10.30 a.m & 5.30 p.m until further orders.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 the case of ***P.K.Shaji Vs. State of Kerala*** reported in ***(2005) AIR SCW 5560***.

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

17.05.2023

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