



Crl.O.P.No.13139 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.,

The petitioner, who apprehends arrest at the hands of the respondent/ Police for the offence punishable under Section 379 IPC in Crime No.117 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Kumaravel, Operation an Maintenance, TNEB, KEDC, Poondi, Thiruvallur, is that on 13.03.2023, Aluminium Electrical Wires, ACSR7/2.59 mm, 2340 meters, belongs to the TNEB, worth about Rs.1,10,000/- was found missing. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution and that he has been falsely implicated in this case based on the confession given by the co-accused. Hence, he prays for grant of anticipatory bail to the petitioner.



WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner along with other accused committed theft of Aluminium Electrical Wires of 2340 meters, belongs to the TNEB worth about Rs.1,10,000/- and he has got several cases against him. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain condition.

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 made ready, before the **learned Judicial Magistrate No.I, 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 condition that :

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Vengal Police Station every day at 10.30 a.m., and also shall report before the Pullarambakkam Police Station at 6.30 pm until further orders.

[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;



WEB COPY



[e] 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 petitioners released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

[f] if the petitioner herein thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

16. Accordingly, the Criminal Original Petition is ordered.

15.06.2023

ksa-2



WEB COPY



A.D.JAGADISH CHANDIRA, J.

ksa-2

Crl.O.P.No.13139 of 2023

15.06.2023