



Crl.O.P.No.15533 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of I.P.C r/w 136(1) (a) Electricity Act, 2003, in Crime No.229 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 05.04.202, one C.Sekaran lodged a complaint before the respondent police stating that some XIII-100KVA DT electrical wire theft in the Kizhanur Village area and he found that 3380 meters of Electrical wire were missing. Hence the case.

3. The learned Counsel for the petitioners would submit that the petitioner is innocent person and he did not commit any offence as alleged by the respondent. He would further submit that the petitioner is being contract worker of the Electricity Department and he has no knowledge about the stolen of the wires. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner/A1 is committed the alleged offence and recovery has been made during the investigation and substantial part of the investigation is over. However, he opposed for grant of anticipatory bail to the petitioners.

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 and the submissions made by the learned counsel on either side and also of the fact that substantial part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.I, Tiruvallur** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/-**



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(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 petitioners and 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 respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled



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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.

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