



CRL OP(MD) No.1914 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1914 of 2024

SASIKALA

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT,
CRIME NO.76/2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.BERLIN JOSE.M, Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.76/2024 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Section 379 of IPC and Section 135(1)
(e) of Electricity Act, 2003, in Crime No.76 of 2024, on the file of the respondent
police, seeks anticipatory bail.



CRL OP(MD) No.1914 of 2024

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2.The case of the prosecution is that the de-facto complainant, who is working as the Assistant Executive Engineer at TNEB, inspected the petitioner's premises and found that the petitioner irrigated the pond for Prawn Farming by using the free agricultural current and caused loss to the Electricity Board to the tune of Rs.17,06,125/-. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. However, on instructions, he would further submit that the petitioner, without prejudice to her defence, is ready to deposit a sum of **Rs.10,00,000/- by way of demand draft directly to the concerned Assistant Executive Engineer, TNEB, Papanasam Taluk, Thanjavur District**. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that the petitioner has committed theft of energy and also caused loss to the Electricity Board to the tune of Rs.17,06,125/-. However, he strongly opposed to grant anticipatory bail to the petitioner.



CRL OP(MD) No.1914 of 2024

WEB COPY

5.Considering the facts and circumstances of the case and also considering the allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pabanasam, Thanjavur District, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)As per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of **Rs.10,00,000/- (Rupees Ten Lakhs only) by way of Demand**



CRL OP(MD) No.1914 of 2024

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Draft/RTGS/NEFT to the credit of the Assistant Executive Engineer, TNEB, Papanasam Taluk, Thanjavur District, without prejudice to her defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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 *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;



CRL OP(MD) No.1914 of 2024

(h)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
09/02/2024

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/02/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
PABANASAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE ASSISTANT EXECUTIVE ENGINEER,
TNEB, PAPANASAM TALUK,
THANJAVUR DISTRICT

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-1666[I] dated 09/02/2024)



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CRL OP(MD) No.1914 of 2024

ORDER
IN
CRL OP(MD) No.1914 of 2024
Date :09/02/2024

SS/VR/SAR- /15/02/2024/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023