



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Sixth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7926 of 2022

GOVINDAMMAL

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
KARUMALAIKODAL POLICE STATION,  
SALEM DISTRICT.  
(CR.NO. 52/2022)

[ RESPONDENT ]

For Petitioner : M/S.C.DEEPAK KUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 405, 424, 425, 441, 379 of IPC and Section 25 of the Indian Telegraph Act, 1885 in Crime No.52 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is a complaint of theft of cell tower by the landlord in whose land, the tower was erected.

3. The learned counsel for the petitioner states that the Aircel Cellular Limited which had entered into a lease agreement for erecting the property, they failed to pay the lease amount for about 4 years, even after lease period completed as early on 01.02.2022. The cell tower erected 8 years ago had been causing hindrance for better use of property. Hence the same was removed.

4. Considering the nature of allegation and the reason given by the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner.



5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.2, Mettur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) the petitioner and 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;

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

(c) the petitioner shall report before the Investigating Officer as and when required for interrogation;

(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 has 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;

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

-sd/-  
06/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned  
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,  
NO.2, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
KARUMALAIKOODAL POLICE STATION,  
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary  
charges SR.No.5274

CRL OP.7926/2022

Date :06/04/2022

CSK 12/04/2022