



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11833 of 2022

1 N.FAWAZSHERIF  
2 S.SALMANSHERIF

[ PETITIONERS / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
SATHUVACHERI POLICE STATION,  
VELLORE DISTRICT.  
CRIME NO.40 OF 2022

[ RESPONDENT ]

For Petitioners : M/S M.GURUPRASAD Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4, 20, 21, 25 of the Indian Telegraph Act, 1885, 66C & 66D of the Information Technology Act, 2000, 3 & 6 (1) of the Indian Wireless Telegraphy Act, 1933 and 420 & 120(B) of IPC in Crime No.40 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein along with other accused manipulated the instruments and gateway Modems of BSNL and converted the international calls into local calls.

3. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case without any materials and they are no way connected with the aforesaid transactions. He would further submit that the petitioners are ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.40 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that due to manipulation of instruments and conversion of international calls to local calls, there is a loss to the exchequer to the tune of Rs.7,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.40 of 2022, within a period of four weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate V, Vellore, on condition that the petitioners shall execute a separate 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 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.40 of 2022, before the concerned Magistrate, within a period of four weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

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

[f] the petitioners 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].

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

-sd/-  
19/05/2022

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.V, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
SATHUVACHERI POLICE STATION,  
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S M.GURUPRASAD Advocate on payment of necessary charges SR.NO.7529

CRL OP.11833/2022

Date :19/05/2022

JPA 24/05/2022