



CRL.O.P.No.18582 of 2022

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WEB COPY **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 427, 380 of IPC and Section 25 of the Indian Telegraph Act, 1885 in Crime No.81 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner let a portion of terrace of his house to Aircel Limited for erecting transmission tower. It is alleged that some unknown person have dismantle and stolen the mobile tower and equipment from the terrace of the building worth about Rs.19,71,880/-. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that there was a dispute between the petitioner and Aircel Limited with regard to default in paying rent and also damages caused to the building. Therefore, false complaint has been foisted as against the petitioner and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Pondy) appearing for the respondent



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submitted that the petitioner is the owner of the building and without the knowledge of the petitioner, the properties might not have damaged or stolen.

Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Even according to the prosecution, some unknown person damaged and stolen the mobile tower and the petitioner's name is not mentioned in the FIR. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Principal Sessions Judge, Puducherry, 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 Sessions Judge 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 may obtain a copy of



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their Aadhar card or Bank pass Book to ensure their identity.

[b] 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.

[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.

[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 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]**.

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

05.08.2022

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