



Crl.O.P.No.25872 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 @ 379, 447, 419, 420, 465, 468 and 471 of IPC in Crime No.479 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Tamilarasan, Manager of GTL Infrastructure Ltd., is that, they have installed mobile phone towers at Mettupatti Street. The allegation is that, on 28.07.2022, when he had visited the site, it was found that the cell phone tower was dismantled and stolen by someone. Hence, he lodged a complaint before the respondent police.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case based on the confession recorded from the arrested accused. Hence he seeks to grant anticipatory bail in respect of the petitioners.



CrI.O.P.No.25872 of 2022

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4. The learned Additional Public Prosecutor would submit that the stolen property has been recovered and further submits that, apart from this case, there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and submission and also considering that stolen property has been recovered, this Court is inclined to grant Anticipatory Bail with certain conditions.

6. 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 District Munsif Cum Judicial Magistrate, Vazhapadi on condition that the each of the petitioners shall execute a separate 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



Crl.O.P.No.25872 of 2022

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 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]**.



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Crl.O.P.No.25872 of 2022

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

24.11.2022

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Crl.O.P.No.25872 of 2022