



CrI.O.P.No.26335 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 Section 379 of IPC in Crime No.405 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant who is the Engineer in BSNL, Chennai Telephones is that the accused had committed theft of 100 metres of copper cable worth about Rs.3,39,000/-. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that since the petitioners agitated against the malpractice committed by the defacto complainant, a false complaint has been given against them. He would also submit that without prejudice, the petitioners to show their bonafides, are prepared to deposit a sum of



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Rs.75,000/- each to the credit of Crime No.405 of 2022 and also ready to co-operate with the respondent for investigation. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) on instructions would submit that the petitioners who are BSNL Employees had committed theft of 100 metres of copper cable worth about Rs.3,39,000/-. He would further submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioners are ready to deposit a sum of Rs.75,000/- each to the credit of Crime No.405 of 2022, this Court is inclined to grant



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anticipatory bail to the petitioners with certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.75,000/- (Rupees Seventy Five Thousand only) each** by way of Demand Draft/RTGS/NEFT to the credit of **Crime No.405 of 2022** and on such deposit and on receipt of proof of payment, 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 Metropolitan Magistrate No.XVIII, Saidapet, Chennai, on condition that each of the petitioners shall execute 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 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



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Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police every day at 10.30 am, 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]**.

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

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