



CrI.O.P.No.30040 of 2022

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T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.405 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.09.2022, the defacto complainant, who is the SDE at Adyar BSNL, Chennai Telephones, had conducted inspection and found that 1200 pairs of BSNL Copper cable (100m) worth of Rs.3,39,000/- was found missing. Hence, he lodged a complaint before the respondent police.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioners, on



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their own volition, are ready and willing to contribute a sum of Rs.25,000/- each to the credit of the Crime No.405 of 2022 that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.side) appearing for the respondent submitted that the petitioners are working as mechanics at BSNL, Adyar, Telephone Exchange. He would further submit that the copper cable were not recovered so far. He also submit that there is no previous case as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 of receipt of a copy of this order, before the learned **XVIII**



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Metropolitan Magistrate Court, Saidapet 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 are directed to deposit a sum of Rs.25,000/- (Rupees Twenty five Thousand only) each to the credit of the Tamil Nadu Advocate Clerk Association, High Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.



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[c] the petitioners are directed to report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter, appear before the Trial Court on all hearings without fail.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

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

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