



Crl.O.P.No.6125 of 2023

Crl.O.P.No.6125 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.346 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Tamilarasan is that, he is the manager of one private company by name GTL. The aforesaid company maintained the cell phone tower of Aircel which was fixed in the petitioner's house at Jalakandapuram. Further in the year of 2018, the Aircel company was closed. While being so, on 30.06.2022 at about 3.00 p.m, when the defacto complainant inspected the aforesaid tower he found that one generator, four Air containers, a Stabiliser and six batteries were missing totally worth about Rs.10,00,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the premises and he is an innocent person and he has



Crl.O.P.No.6125 of 2023

been falsely implicated in this case. He would further submit that the defacto

complainant had earlier installed the cell phone tower in his premises.

Thereafter, they have not paid the lease amount for the past five years and the cell phone tower was also not functional and later some persons claiming themselves from the earlier Aircel company had dismantled the tower and the petitioners innocently believing that they are from the Aircel company, allowed them to remove the tower and other than that the petitioner does not know anything. He further submit that even in the complaint, the defacto complainant had stated that some unknown persons have taken the cell phone tower and thereby, he seeks for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is the owner of the premises and he had dismantled the cell phone tower without the knowledge of the defacto complainant and sold the cell phone tower. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on either sides and perused the entire materials available on record.



Crl.O.P.No.6125 of 2023

6.Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Judicial Magistrate Court No.2, Mettur, on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m until further orders.



Crl.O.P.No.6125 of 2023

[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;

27.03.2023

drl



WEB COPY



Crl.O.P.No.6125 of 2023

A.D.JAGADISH CHANDIRA. J.

drl

Crl.O.P.No.6125 of 2023

27.03.2023