



Crl.O.P.No.12436 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.12436 of 2023

Idhayakumar

... Petitioner

Vs.

State represented by
The Inspector of Police
Nolambur Police Station
Chennai
Crime No.222 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail concerned in Crime No.222 of 2022
pending on the file of the respondent police.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **18.04.2023** for the offence punishable under Section 379 IPC, in Crime No.222 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Pramod, Authorised Signatory of GTL Infrastructure Ltd. is that they had installed a Mobile Phone Tower at No.182, Gajalakshmi Nagar, Chinna Nolambur, Chennai - 600095 and when his representative had gone to inspect the premises, he found that the entire tower was dismantled and the all the materials worth Rs.18,86,147.70/- were stolen. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was earlier working as an Assistant in the defacto complainant's company and resigned in the year 2018. He would further submit that there was some dispute between the defacto complainant and the owner of the premises with regard to payment of rent and since the rents were not paid, the owner of the premises, by using



his men, has dismantled the Mobile Phone Tower whereas, the petitioner has been falsely implicated in this case since he was earlier dealing with the erection of Telecom Towers in the defacto complainant's company. He further submitted that the petitioner has been suffering incarceration from 18.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the petitioner is the former employee of the defacto complainant's company and that the petitioner along with the owner of the premises, has dismantled the Mobile Phone Tower installed by the defacto complainant's company and stolen the entire materials worth about Rs.18 lakhs. He further submitted that the petitioner has got 2 previous cases of similar nature and that the petitioner has been arrested in this case through P.T. Warrant.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.



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6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Judicial Magistrate, Ambattur** and on further conditions that:

[a] 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.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate Court, Ambattur
2. The Inspector of Police
Nolambur Police Station
Chennai
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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