



Crl.O.P.No.21619 of 2023

Crl.O.P.No.21619 of 2023

RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.200 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant company is engaged in a business of installation and maintenance of mobile tower and the said company had erected a mobile tower. During the site visit of the representative of the defacto complainant's company, it was found that some miscreants/unknown persons /landlords have dismantled some major parts which is worth about Rs.16,10,362/-.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 would further submit that the co-accused in this case was



Crl.O.P.No.21619 of 2023

granted anticipatory bail by this Court in Crl.O.P.No.16277 of 2023 on 28.08.2023. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit the petitioner along with other accused have committed in theft of Mobile Tower parts and thereby caused Rs.16,10,362/- loss to the defacto complainant. He would further submit that the co-accused in this case has been granted anticipatory bail by this Court. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and taking into consideration the fact that the co-accused has been granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:



WEB COPY



Crl.O.P.No.21619 of 2023

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 V-Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioner 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 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.21619 of 2023

WEB COPY

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

21.09.2023

ata

RMT.TEEKAA RAMAN,J.



WEB COPY



Crl.O.P.No.21619 of 2023

ata

Crl.O.P.No.21619 of 2023

21.09.2023