



CrI.OP.No.25370 of 2023

CrI.O.P.No.25370 of 2023

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C.V.KARTHIKEYAN,J.

The petitioners seek anticipatory bail in Cr.No.161 of 2023 registered by the respondent police for the offence punishable under Section 379 of IPC.

2. It is stated that the petitioners are father and son. The first petitioner had owned property, wherein, they had permitted Aircel Limited to put up their Cell Phone tower. This was on rental basis. However, over the passage of time, the company itself had wound up and there were no operations. The tower became in-operative and was a burden on the petitioners' property. The complaint is that the tower had been dismantled and sold as scrap.

3. The learned counsel for the petitioner however states that there are also substantial rental arrears due and in this connection presented a statement. According to him, the value of the scrap after depreciation, and the rental dues will have to be examined and investigated.



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4. In view of all these facts, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5. 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 on which the order copy made ready, before the *learned Judicial Magistrate, Nilgris* on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 Aadhar card or Bank pass Book to ensure their identity.



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[b] the first petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of two weeks and there after as and when required for investigation and the second petitioner shall report before the respondent police every day for a period of two weeks and thereafter as and when required for interrogation;

[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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