



Crl.O.P.No.15517 of 2024

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RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 4, 20, 21 & 25 of Indian Telegraph Act 1885, Sec.66(C) of Information Technology Act 2000 and Sec.420 IPC in Crime No.194 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.This is the third bail application by the Petitioner/4th Accused. By a detailed order made in Crl.OP.No.20238 of 2023 (filed by the Petitioner herein) on 21.09.2023, at paragraph 5(i), 5(ii) & 5(iii), this Court observed as follows and dismissed the Crl.OP.:

“5(i). From the status report, it reveals that foreign VoIP calls terminated in India cannot be intercepted / monitored by Law Enforcement Agencies (LEAs) as the calls are not received at India through ILD gateway. Also, there is revenue loss to Telecom Service Providers (TSPs) and Public Exchequer as an International Termination Charge (ITC) cannot be levied by ILD gateway operators.



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5(ii) *The issue carries utmost importance as these illegal telecom setups can be used for antisocial activities and it may pose national security threat. The private telecommunication setup used by the accused/petitioner which converts the foreign calls to local calls may pose a major threat to national security by which terrorist activities can be done without showing their identity and the installation of these private telecommunication setups may cause a revenue loss for the DoT. To prevent the accused/petitioner from continuing the offense, to prevent absconding or tampering the evidence, the accused needs to be arrested.*

5(iii) *Taking into consideration the nature and gravity of the offence, modus operandi adopted by these accused, I am not inclined to grant anticipatory bail to the petitioner for the present, with a liberty to file fresh application after passage of time or change in circumstances.”*

3.It appears that based upon the above observation made by this Court, the Investigating officer has filed an application for cancellation of bail in Crl.MP.No.54270 of 2023 before the Additional Chief Metropolitan Magistrate Court, Egmore, Chennai, and it appears that the same was ordered on 13.12.2023. Against the same, one of the accused viz., Mohamed Nazeer



CrI.O.P.No.15517 of 2024

has preferred CrI.OP.No.28730 of 2023. The same was allowed on the technical point that granting of bail is different from cancellation of bail. The criteria fixed for grant of bail is different from the cancellation of bail. Based upon the above observation, the learned counsel for the Petitioner prayed for granting of Anticipatory bail to the Petitioner.

4.Heard the learned counsel for the Petitioner and the learned Government Advocate and perused the materials available on record.

5.The very same Petitioner herein has filed another application for anticipatory bail in CrI.OP.No.24483 of 2023, the same was also dismissed by this Court.

6.After going through the earlier orders passed by this Court and the submissions of the learned Government Advocate that there is no change of circumstances and the fact that the Petitioner herein who is an employee of Bharti Airtel Limited is the main source of conversion of foreign calls to local calls, whereby created threat to national security. In the absence of any change in circumstances and the active role played by the Petitioner, I am not inclined



Cr1.O.P.No.15517 of 2024

to grant anticipatory bail to the Petitioner.

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7. Accordingly, this Criminal Original Petition is dismissed.

24.07.2024

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Crl.O.P.No.15517 of 2024

RMT.TEEKAA RAMAN, J.

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Crl.O.P.No.15517 of 2024

24.07.2024