



Crl. O.P. No.20927 of 2024

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P. DHANABAL.J.,

The petitioners / Accused 1 & 2, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 316(2), 318(4) of B.N.S., Section 3 & 6[1] of Indian Wireless Telegraphy Act, 1933, Section 66(C) and 66(D) of Information Technology Act, 2000 in connection with the Cr. No.134 of 2024 on the file of respondent police, seek anticipatory bail.

2. The defacto complainant, Alternative Nodel Officer, Vodafone Idea Ltd., Chennai has lodged a complaint before the respondent police by stating that M/s. Vodafone Idea Ltd., is a telecom provider rendering telecom services for accessing telecome networks, as per due license issued by the Central Government. Sim cards are being issued to the subscribers as against due applications along with requisite documents for that purpose as mandated by the Department of Telecommunications. While so, an email dated 20.08.2024 received from the Assistant Director (Security), TN LSA, Department of Telecom, O/o. DDG (Security), Kellys Road, Chennai that an illegal telecom set-up being operated using VIL numbers and it was also further informed that the ALLSET Solution, a



Crl. O.P. No.20927 of 2024

VIL customer is suspected of using VIL numbers for the illegal telecom set up located at 108, Greams Road, Thousand Lights, Chennai and the petitioners are the authorized signatory and Proprietor of the said ALLSET Solutions. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the respondent police have registered a false case against these petitioners for the offences under Sections 316(2), 318(4) of B.N.S., Section 3 & 6[1] of Indian Wireless Telegraphy Act, 1933, Section 66(C) and 66(D) of Information Technology Act, 2000. In fact, these petitioners have not committed any offence as alleged in the FIR. The petitioners and others have started a business in the year 2003 and more than 300 employees are working in their company for the past 21 years. The company is a call center company doing domestic outbound calls for many reputed companies and they have been providing service to many clients viz., Vodafone, Idea, SBI Card, ICICI Bank, HDFC Bank, ... etc., and they have been doing business by following all the necessary procedures and they have not violated any of the rules and regulations. After registration of FIR, the respondent police have conducted a search in the office premises of M/s. Allset Business Solutions and the petitioners are using



Crl. O.P. No.20927 of 2024

only GSM gateway and they have not committed any offence. The petitioners have purchased the Sim card from Vodafone Idea Limited by duly sending them an email and based on the said email, the Simcard was provided and their calling was made only through GSM voice call and not through any other means and as such, the petitioners have not committed any offence as alleged by the defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent police would contend that they received a complaint from the concerned authorities and they also filed a report received from the Telecom authorities. As per the report, the Sim box is a Telecom equipment with 32 slots for SIM cards, functioning like an electronic telephone exchange capable of handling bulk calls and mostly imported from China. It operates within the licensed frequency band and must comply with the Wireless Planning and Co-ordination (WPC) license from the Department of Telecommunications (DOT) for equipment import and usage. Sim boxes, equipped with GSM modules performing mobile phone functions, must meet Indian Standard IS 13252: Part 1: 2010 and adhere to the IMEI Certificate Generation Procedure via the ICDR Portal. The



Crl. O.P. No.20927 of 2024

operation of Sim boxes clearly violates Section 42(1), 42(3)(a), (b) & (f) and 42(4) of the Telecommunications Act and Section 3 of the Indian Wireless Telegraphy Act which prohibits possession of wireless telegraphy apparatus without a license. Therefore, misuse of SIM cards in SIM boxes violates Sections 66(C) and 66D of the Information Technology Act, 2000 and 42(3)(e) of the Telecommunications Act, 2023. Therefore, these petitioners have committed the above said offences and investigation is at initial stage and hence, he strongly opposed to grant anticipatory bail to the petitioners.

6. Heard both sides and perused the materials available on record.

7. Considering the representations made on either side, considering the nature of offences and already the respondent police have searched the office premises of the petitioners and the alleged offences borne out of records, thereby no chance to tamper the evidence and the fact that no previous case pending against these petitioners and the complaint was also lodged on suspicious, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



Crl. O.P. No.20927 of 2024

7. 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 **XIV Metropolitan Magistrate Court, Egmore, Chennai** on condition that the petitioner shall execute 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 Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.00 a.m. until further orders;

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



Crl. O.P. No.20927 of 2024

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 269 B.N.S.2023.

21.10.2024

mjs

To

- 1.The XIV Metropolitan Magistrate Court, Egmore, Chennai
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Thousand Lights Police Station, Chennai.

P.DHANABAL,J
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Crl. O.P. No.20927 of 2024

CRL O.P. No.20927 of 2024

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