



Crl.O.P.No.22356 of 2024

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P.DHANABAL, J.

The petitioner who apprehends arrest for the alleged offences under Sections 379, 405, 424, 425 and 441 of IPC in Crime No.1041 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that a civil dispute arose between the petitioner and *de facto* complainant in respect of erection of cell phone signal tower. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner had not committed any offence as alleged and the petitioner had been falsely implicated in this case. He also submitted that the petitioner is ready and willing to furnish substantial sureties for his due release and abide by any condition that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioner .

4. The learned Government Advocate (Criminal Side) appearing



Crl.O.P.No.22356 of 2024

for the respondent police submitted that a civil dispute arose between the petitioner and the *de facto* complainant in respect of erection of cell phone signal tower. The petitioner is the owner of the building and the *de facto* complainant is the service provider respectively. It is found that the petitioner has misappropriated the cell phone signal tower worth Rs.16,00,000/-. He further submitted that there is no previous case as against the petitioner and also considering the gravity of offences, he opposed for grant of anticipatory bail to the petitioner .

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and considering the fact that there is a dispute pending between the parties in respect of erection of cell phone signal tower and payment of rental and that there is no previous case as against the petitioner, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen



Crl.O.P.No.22356 of 2024

(15) days from the date of receipt of a copy of this order before the

Judicial Magistrate II, Salem 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report **before the respondent police daily, for 30 days.**

[b] the petitioner 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 then from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

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

P.DHANABAL, J.

vca



Crl.O.P.No.22356 of 2024

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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 petitioner 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]***.

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

12.09.2024

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Crl.O.P.No.22356 of 2024