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CRL O.P. No.3366 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CRL O.P. No.3366 of 2025

1.K.Anand
2.K.Muthuvelan

... Petitioners/Accused

Vs

State by
The Inspector of Police,
R1-Mambalam Police Station,
Crime No.22 of 2025.

...Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., 2023, praying to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.22 of 2025 on the file of the respondent police.

For Petitioners : Mr.Sridhar S

For Respondent : Mr.S.Santhosh
Advocate
[Criminal side]

For intervenor : Mr.K.Suresh Babu

ORDER



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The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 of the IPC with the case in Crime No.22 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner was working as an HR manager in the *de-facto* complainant's company, and he was relieved from the service during February 2024; that the second petitioner was running an agency called Shri Ilakia Enterprises, which was engaged in enrolling new subscribers to the telecommunications; that A1 and A2 colluded and obtained 400 SIM cards as against 126 authorised SIM cards by the company for its employees; and that the service provider Airtel had charged the *de-facto* complainant for the excess 274 SIM cards and thus caused loss to the *de-facto* complainant. Hence, the case.

3. Learned counsel for the petitioners would submit that the allegations are false; that the petitioners had given the information furnished by the company, and in any case, the case is borne out by records, and the custodial interrogation of the petitioners is not required and sought anticipatory bail for the petitioners.

4. Learned counsel for the *de-facto* complainant, however, would submit



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that since 274 SIM cards were issued to persons who were not employed under the *de-facto* complainant, they were questioned by the Directorate of Telecommunication regarding several frauds committed by individuals using the SIM cards issued in the name of the *de-facto* complainant; and that the *de-facto* complainant was put to several hardships besides the financial loss caused to them.

5. Learned Government Advocate (Crl.Side) for the respondent submitted that as on date, they had not received any complaints relating to cyber fraud making use of the SIM cards issued to persons who are not employees of the *de-facto* complainant's company.

6. The learned counsel for the *de-facto* complainant fairly submitted that after September 2024, the invoices of the service provider were reduced to Rs.69,000/-; and that the service providers are collecting bills for 126 subscribers employed under the *de-facto* complainant.

7. This Court is of the opinion that in view of the complaint lodged by the *de-facto* complainant that they are not responsible for the 274 subscribers, who



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had purchased SIM cards in their name, the *de-facto* complainant need not apprehend any action against them. Considering that the allegations against the petitioners are borne out by records, this Court is of the view that the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 of receipt of a copy of this order, before the learned **XVII Metropolitan Magistrate, Saidapet**, on condition that each 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 conditions 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.

[b] **the petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.**



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[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

18.02.2025

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To

- 1.The XVII Metropolitan Magistrate, Saidapet.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, R1 – Mambalam Police Station,



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SUNDER MOHAN,J.

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