



Crl.O.P.No.11757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.11757 of 2024

Vignesh S/o. Mohan

... Petitioner / Accused No.5

Versus

State rep. by
The Inspector of Police,
Perunagar Police Station,
Kancheepuram District.
(Crime No.89 / 2024)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioner / accused in Crime No.89 of 2024 on the file of the respondent police.

For Petitioner : Mr. C. Pushparaj

For Respondent : Mr.C.E.Pratap
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 06.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.



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2. The petitioner / Accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.89 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 22.02.2024 at about 8 p.m, the petitioner / accused had stolen the defacto complainant's vehicle namely Ashok Leyland Dhest Vehicle bearing Registration No.TN21 BF 8727, which was parked in front of the house of the defacto complainant. Further CCTV DVR copy was also found missing. The petitioner / accused along with another accused, also broke open the TASMACH shop and stolen the beer bottles. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case as he was not at all present at the scene of occurrence and his name also was not taken place in the FIR. He would further submit that no material was seized from the petitioner / accused. He has permanent residence and he is ready to abide by any condition imposed by this Court. Hence he prayed to grant an order of pre-arrest bail to the petitioner.



5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are totally 5 accused involved in this case and the petitioner herein is arrayed as A5. He further submitted that the vehicle worth about Rs.2 lakhs has been recovered. The petitioner has one previous case of similar nature in Cr. No.47 of 2024. Hence he objected to grant anticipatory bail to the petitioner.

6. Heard on both sides. This Court has perused the records.

7. In this case, stolen vehicle was recovered. The petitioner has stated that he has permanent residence and deep roots in the Society. Hence, this Court is of the view that the possibility of absconding is very less.

8. Considering the above facts and circumstances of the case, the nature of the offence alleged to have committed by the petitioner and the overt act attributed against the petitioner, and considering the fact that the property was recovered, this court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:



(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned **Judicial Magistrate, Uthiramerur, Kancheepuram within a period of 15 days from today, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), along with two sureties each for a like sum of Rs.20,000/- to the satisfaction of the learned **Judicial Magistrate, Uthiramerur, Kancheepuram**;**

(ii) The sureties shall affix his photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure his identity;

(iii) The petitioner shall appear and sign before the respondent police, daily at 10.00 a.m, until further orders;

(iv) The petitioner shall make himself available for interrogation by police as and when required;

(v) 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



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dissuade him from disclosing such facts to the Court or to any police officer;

and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

16.05.2024

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



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To

1. The Judicial Magistrate, Uthiramerur, Kancheepuram.

2. DO THROUGH:

The Chief Judicial Magistrate, Kancheepuram.

3. The Inspector of Police,
Perunagar Police Station,
Kancheepuram District.

4. The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

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