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Crl.O.P.No.12027



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.No.12027 of 2024

N.Vasanthan (a) Vasanth
S/o.Nagaraj

... Petitioners/Accused-5

Versus

State rep. by
The Inspector of Police,
E5, Sholavaram Police Station,
Chennai – 600 067.
(Crime No.412 of 2024)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, praying to grant an order of anticipatory bail to the petitioner in the even of arrest in Crime No.412 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.Sakthivel

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

ORDER

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



2. The petitioner/Accused No.5 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 399 of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.412 of 2024, on the file of the respondent Police.

3. The case of the prosecution is that on 30.04.2024, when the *de facto* complainant along with other police men, based on a secret tip, apprehended the accused person. On enquiry, police found that the petitioner along with 6 others was preparing to commit Dacoity. On seeing the police, three of the accused including the petitioner fled away. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is on 18 years old innocent and he has not committed any offence as alleged by the prosecution; and that he has been falsely implicated in this case. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioner has no previous case. He further submitted that the investigation in this case is not yet completed. Accordingly, he prayed to dismiss this Criminal Original Petition.



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

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7. Considering the nature of the offence allegedly committed by the petitioner, his age, the fact that he has no previous case and with a view to give an opportunity to reform himself, this Court grants 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 their arrest or in the event of their surrender before the learned Judicial Magistrate-II, Ponneri within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the Judicial Magistrate-II Court, Ponneri.

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

(iii) The petitioner should not enter into the defacto complainant's house or his work place;

(iv) The sureties shall affix their 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-II, Ponneri, shall obtain a copy of



any one of identity proofs to ensure their identity;

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

(vi) 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 him from disclosing such facts to the Court or to any police officer;

(vii) The petitioner shall not leave India without the prior permission of the Court; and

(viii) 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 themselves 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*.

17.05.2024

Index : Yes/No

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Speaking order / Non-speaking order

Neutral citation : Yes/No

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To

- 1.The Judicial Magistrate-II, Ponneri.
- 2.The Inspector of Police,
E5, Sholavaram Police Station,
Chennai – 600 067.
- 3.The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

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