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Crl. O.P. No.12023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl. O.P. No.12023 of 2024

Prasaanth @ Prabhakaran S/o.Kirubakaran

... Petitioner / Accused No.2

Versus

State rep. by-

The Inspector of Police,
CCB Police Station,
Salem City
(Crime No.16 of 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.16 of 2024 on the file of the respondent police.

For Petitioner : Mr. K.Sathish Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner on 14.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.

2. The petitioner / Accused No.2 apprehends arrest at the hands of the



respondent-police for the alleged offences punishable under Sections 120-b, 420, 294(b) and 506(2) of the Indian Penal Code, 1860-(Act No.45 of 1860) on the file of the respondent-Police.

3. The case of the prosecution is that the petitioner/Accused No.2 and his father/Accused No.1 have received a loan amount of Rs.1,85,00,000/- (Rupees One Crore and Eighty Five Lakhs only) from the Defacto complainant between 08.11.2022 to 16.02.2023 through Accused No.1's City Union Bank Account No.5001012704468. When the money was asked back by the Defacto complainant, it was alleged that both the petitioner and his father have abused the Defacto complainant with filthy language and have threatened him with dire consequences. Hence, the case.

4. The learned counsel for the petitioner submitted that petitioner is an innocent person and he has been falsely implicated in this case. He submitted that petitioner has no connection to any of the offences as alleged by the prosecution and that the entire alleged amount was only deposited into the bank account of the 1st Accused. He further submitted that the petitioner's father, who is the Accused No.1, was already arrested and was remanded to the judicial custody. The petitioner was never involved in his father's business.



Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

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5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that both the accused persons jointly received a sum of Rs.1,85,00,000/- (Rupees One Crore and Eighty Five Lakhs only) from the defacto complainant and failed to repay the same. Further, he submitted that custodial interrogation of the petitioner is necessary for the investigation to unearth truth. Accordingly, he prayed to dismiss this Criminal Original Petition.

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

7. The learned counsel for the petitioner has submitted that the petitioner did not commit any offence as alleged by the respondent police. In fact, some money transaction took place between the petitioner's father and the defacto complainant. However, with a view to prove his bonafide, the petitioner is ready and willing to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only).

8. This Court has perused the First Information Report. In view of the overtact stated in the First Information Report and in view of the submissions made by the learned counsel for the petitioner, this Court is inclined to grant an



order of pre-arrest bail to the petitioner herein with conditions. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions :

(i) The petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of the Crime No.16 of 2024 on the file of the CCB Police Station, Salem City, before the learned Judicial Magistrate No.III, Salem. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment.

(ii) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) and furnish two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.III, Salem.

(iii) 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 shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall appear and sign before the respondent Police daily at 10.00 A.M, until further orders;

(v) The petitioner shall make himself available for interrogation by police



CrI. O.P. No.12023 of 2024

as and when required;

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(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; and

(vii) 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
Internet : Yes/No
Neutral citation : Yes/No
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Note:-

1. Registry is directed to forthwith upload this order in the official



CrI. O.P. No.12023 of 2024

website of this Court.

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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.

To

- 1.The Judicial Magistrate No.III,
Salem
- 2.Do Through the Chief Judicial Magistrate,
Salem
- 3.The Inspector of Police,
CCB Police Station,
Salem City
- 4.The Public Prosecutor,
High Court, Madras.



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Crl. O.P. No.12023 of 2024

R.SAKTHIVEL, J.

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Crl.O.P.No.12023 of 2024

17.05.2024