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Crl.OP.No.2835 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2835 of 2025

Prabakaran @Bottle Prabakaran

... Petitioner /Accused

Vs.

State rep by

The Inspector of Police,

P2 Otteri Police Station,

Chennai District.

Crime No.79 of 2025

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his apprehending arrest at the hands of the respondent pending investigation in V1 Cr.No.79 of 2025 on the file of the respondent police.

For petitioner : Mr.P.Krishna Moorthy

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 115(2),



311 and 351(3) of BNS, 2023, in Crime No.79of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 17.01.2025, at about 06.15 a.m, the petitioner along with the other accused robbed a sum of Rs.850/- at knife point from the defacto complainant. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is a law abiding citizen and ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, submitted that the accused was found to be involved in robbing Rs.850/- from the defacto complainant's at knife point. He would further submit that the petitioner had previously been involved in three similar cases.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the nature of allegation; the fact that previous cases were registered in the year 2015 & 2016; and that custodial interrogation of the petitioner is not required for the purpose of investigation, 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 appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned **Metropolitan Magistrate No-X court at Egmore**, 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 said Magistrate, on further condition that:



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- [a] 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;
- [c] the petitioner shall not abscond either during investigation or trial;
- [d] the petitioner shall not tamper with evidence or witness 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 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***



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of Kerala reported in [(2005)AIR SCW 5560];

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

05.02.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
dpa

To

1. Learned Metropolitan Magistrate No-X court
Egmore.
2. The Inspector of Police,
P2 Otteri Police Station,
Chennai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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