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Crl.O.P.No.5089 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5089 of 2025

R. Prakash

Petitioner(s)

Vs

The State Rep. by
The Inspector of Police,
T-19, Kelambakkam Police Station,
Chennai.
(Crime No.408 of 2024).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.408 of 2024 on the file of the respondent police.

For Petitioner(s) : M/s. P.Tamil Lakshmi

For Respondent(s) : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)

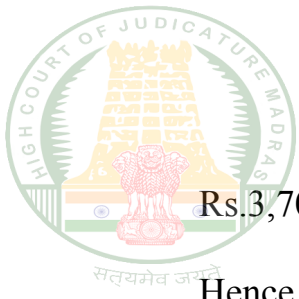


ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 115(2), 308(2), 308(5), 310(2), 316(2), 318(4) and 351(2) of BNS, 2023 (Sections 341, 323, 384, 395, 406, 417 and 506(ii) of IPC) in Crime No.408 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 31.12.2024, the defacto complainant lodged a complaint before the respondent police stating that, the defacto complainant is a Pawn Broker and got acquainted with A1 through Facebook and developed friendship; that on 30.12.2024, A1 called defacto complainant over phone and informed him that he is having Rs.4,00,00,000/- in cash and asked the defacto complainant to collect it and keep it with him; that believing the same, the defacto complainant and his friends went to the spot stated by A1, where the defacto complainant and his friends were attacked by the petitioner herein and other accused persons; that thereafter A1 and others snatched 3 golden rings worth about 1 sovereign, Rs.70,000/- worth VIVO mobile phone, and besides compelling the defacto complainant to withdraw money of



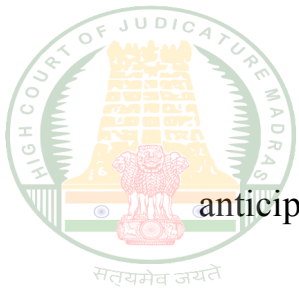
Rs.3,70,000/- by way of cash, from ATM and to pay by G-pay account.

Hence, this case.

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3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, based on the confession of the co-accused; that the petitioner was not named in the FIR and he had never committed any offence as alleged by the prosecution; that the co-accused was arrested and released on bail by this Court vide order dated 03.02.2025 in Crl.O.P.No.2582 of 2025; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction confirms the fact that the co-accused was arrested and released on bail; that the petitioner has been implicated based on the confession of the co-accused; and that the investigation is pending, hence opposed for grant of



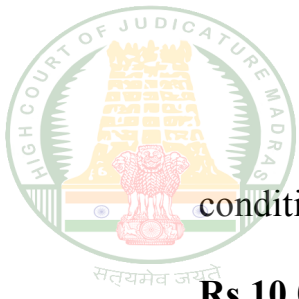
anticipatory bail to the petitioner.

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

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner was implicated only on the confession of the co-accused, the petitioner was not named in the FIR, the co-accused was arrested and released on bail and since 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 days from the date on which the order copy made ready, before **the learned District Munsif cum Judicial Magistrate Court, Thiruporur** on



condition that the 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 condition that:

[a] the petitioner 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 petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with



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SUNDER MOHAN, J.

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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 of Kerala [(2005)AIR SCW 5560].

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

26.02.2025

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To
The Inspector of Police,
T-19, Kelambakkam Police Station,
Chennai.
(Crime No.408 of 2024).

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