



WEB COPY

Crl.O.P.No.5103 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.5103 of 2025

Joshuva Gerard

...Petitioner /Accused No.2

Vs.

The State of Puducherry  
Rep. by Station House Officer  
CBCID Police Station  
Crime No.103 of 2024  
Puducherry.

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.103 of 2024 on the file of the CBCID Police Station, Puducherry in the event of arrest or on appearing before the learned Judicial Magistrate No.3, Puducherry.

For Petitioner : Mr.Vijayakumar A

For Respondent : Mr.John Sathyan  
Senior Counsel  
Puducherry



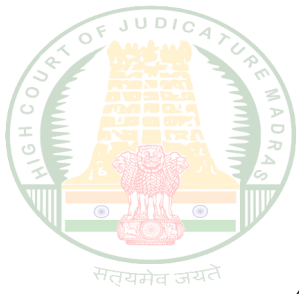
**ORDER**

WEB COPY

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 357, 379, 364-A, 384, 392 of the IPC and Section 25 (1-A) of Arms of Act r/w and 149 of the IPC in Crime No.103 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A2, along with other accused persons, had threatened the *de-facto* complainant, kidnapped him in the car, and thereafter forced him to hand over the jewels worth Rs.80,000/- and transfer a sum of Rs.89,000/- by way of G-pay account. Hence, the complaint.

3. The learned counsel for the petitioner/A2, submitted that the petitioner is an innocent person and the *de-facto* complainant had borrowed money from him; that the allegations are false; and that the allegation that he had kidnapped the *de-facto* complainant is false; and that in order to avoid repayment to A1, the *de-facto* complainant filed this case and sought for anticipatory bail to the petitioner.



WEB COPY

4. The learned Public Prosecutor (Puducherry) reiterated the prosecution case and submitted that some of the accused are yet to be secured and co-accused/A1 was granted bail by this Court vide its order dated 10.02.2025 in Crl.O.P.No.3076 of 2025.

5. Considering the nature of the allegations against the petitioner/A2, the fact that the *de-facto* complainant had borrowed a sum of Rs.20,00,000/- from the petitioner; that apart from the confession of A1, there is no material to connect the petitioner to the alleged offence and even according to the prosecution, money was transferred to A1's account by way of G-pay, the first accused was arrested and released on bail by this Court and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner/A2 subject to the following conditions:

6. 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 was made ready, before the learned **Judicial Magistrate No.III, Puducherry**, 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:

[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 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.



Crl.O.P.No.5103 of 2024

28.02.2025

To

- 1.The Judicial Magistrate No.III,  
Puducherry.
2. The Station House Officer  
CBCID Police Station  
Crime No.103 of 2024  
Puducherry.
- 3.The Public Prosecutor,  
High Court of Madras.



WEB COPY



Crl.O.P.No.5103 of 2025

**SUNDER MOHAN,J.**

*dk*

Crl.O.P.No.5103 of 2025

28.02.2025

(2/2)