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CRL O.P. No.5667 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5667 of 2025

Prabakaran S/o. Mohan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Ariankuppam Police Station,
Puducherry. ... Respondent
[Cr. No.103 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.103 of 2024 on the file of the respondent police.

For Petitioner : Mr. Thiyagarajan

For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the



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respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 324, 357, 379, 364-A, 384 and 392 of IPC and Section 25(1-A) of Arms Act read with Section 149 of IPC in connection with the case in Crime No.103 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons had threatened the defacto complainant, kidnapped him in the car and thereafter forced him to handover the jewels worth Rs.80,000/- and transfer a sum of Rs.89,000/- by way of G-Pay account.

3. Learned counsel for the petitioner would contend that the petitioner is a legal practitioner and he is practicing at Chennai; that he has nothing to do with the alleged offences; that he had been to Pondicherry for professional work at the instance of A1 and he has been falsely implicated; and that in any case, custodial interrogation of the petitioner is not required and hence prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing



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for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that the petitioner forced the defacto complainant to transfer money to A1's account with whom the defacto complainant had some financial transactions, thereby, the petitioner has also participated in the offence; and that this Court had granted bail to the co-accused vide order dated 10.02.2025 in Crl. O.P. No.3076 of 2025.

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

6. The petitioner is arrayed as A4. The petitioner is not a named accused in the FIR. He is sought to be implicated, based on the confession of the co-accused. Considering the nature of allegations against the petitioner, the fact that the petitioner has no bad antecedents and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory



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bail to the petitioner on certain conditions.

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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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.III, Puducherry** on condition that the petitioners shall each 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 conditions 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.



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[b] the petitioner shall report before the respondent police twice in a week i.e., on every Monday and Thursday 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 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]; and



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[f] If the accused thereafter abscond, a fresh FIR can be registered

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under Section 269 B.N.S.

03.03.2025

mjs

To

- 1.The Judicial Magistrate No.III, Puducherry
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Ariankuppam Police Station, Puducherry.

SUNDER MOHAN. J.,

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