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CRL OP No. 12579 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12579 of 2025

1. Prem Bahadur
S/o. Lok Bahadur, Plot 24, Sumuk
Enclave, 2nd Cross Munireddy Layout,
Chikkalasandra, PadmanabhNagar,
Bangalore South, Subramanyapura,
Bangaluru, Karnataka 560061.

Petitioner(s)

Vs

1. The Inspector of Police,
R-1 Mambalam Police Station,
Chennai. Crime No. 48/2025.

Respondent(s)

PRAYER

To enlarge the petitioner on bail in the event of his arrest in Crime No. 48/2025 in the respondent police and thus render justice.

For Petitioner(s): Mr.Arun C.Mohan
for Mr. S.Sudhakar

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 305, 331,(3) of BNS 2023 in Crime No.48 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that on 02.03.2025, the petitioner along with other accused entered into the defacto complainant's house and committed theft of 20 sovereigns of gold jewels and 2 Kgs of silver articles, while the defacto complainant was away not at home. Hence, the case.

3. This the second anticipatory bail petition before this Court and the earlier anticipatory bail petition was dismissed as withdrawn on 28.03.2025.

4. The learned counsel appearing for the petitioner submitted that the petitioner is innocent; that even according to the prosecution, the petitioner only acted as a driver for A1 to A4; that there is no evidence to show that the petitioner had participated in the offence and that the other accused were arrested and substantial portion of the stolen articles were seized and to show his *bona fides*, he would deposit Rs.50,000/- [Rupees Fifty Thousand Only] to the credit of the crime number and prayed for anticipatory bail to the petitioner.

5. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the petitioner was the driver of the vehicle and that A1 was working under the defacto



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complainant. He along with the other co-accused had committed theft and on instructions submitted that substantial portion of gold jewel and the other stolen articles were recovered from the co-accused.

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

7. Considering the facts and circumstances of the case, the allegation against the petitioner is that he drove the car and dropped the other accused in their native place; that the co-accused were arrested and their substantial portion of the stolen articles were recovered from them and in order to show his bona fides, the petitioner is willing to deposit Rs.50,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the petitioner is directed to deposit **Rs.50,000/- [Rupees Fifty Thousand Only]** to the credit of Cr.No.48 of 2025, before the trial Court, within a period two weeks from the date on which the order copy is made ready, without prejudice to his rights and contentions before the trial



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Court and on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days thereafter, before the learned XVII Metropolitan Magistrate at Saidapet, Chennai, 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 appear before the respondent police daily at 10.30 am., 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



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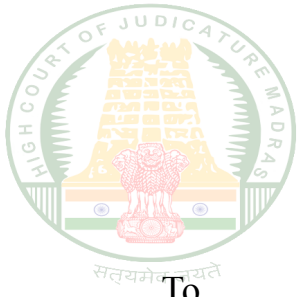


action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

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

28-04-2025

Jai
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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To
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R-1 Mambalam Police Station,
Chennai. Crime No. 48/2025.
2. The XVII Metropolitan
Magistrate,
Saidapet, Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN J.

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