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Crl.O.P. No.14799 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.14799 of 2025

Prasana Sudharsan

... Petitioner/ Accused

Vs.

The State Rep. By,
The Inspector of Police,
H-4 Korukkupet Police Station,
Chennai.
(Crime No.258 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.258 of 2025, on the file of the respondent police.

For Petitioner : M/s. V. Vasanth

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl. Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 331(3), 309(4), 309(6) and 351(3) of BNS in Crime No.258 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused, who are the friends of the defacto complainant's eldest son, trespassed into the defacto complainant's house and stole laptop, watch and a sum of Rs.70,000/-. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and had never committed any offence as alleged by the prosecution; that the petitioner is a college student, since he is the friend of the co-accused, he has been falsely implicated in this case; 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 sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for



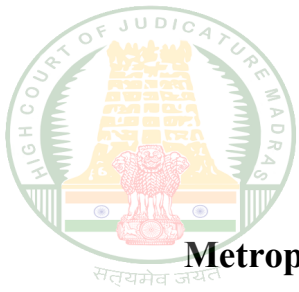
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the respondent police reiterated the prosecution case and on instruction submitted that A1 to A4 gone to the house of the defacto complainant and demanded cash from the defacto complainant's son; that thereby taken away a sum of Rs.70,000/-, laptop and watch; and that the allegation against the petitioner herein/ A5 is that a sum of Rs.40,000/- from the aforesaid amount was handed over to the petitioner herein by the co-accused. He also submitted that A1 to A4 were arrested and still in judicial custody; that the petitioner is a college student and has no bad antecedents; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner is a college student and has no bad antecedents 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.

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 days from the date on which the order copy made ready, before **the learned XV**



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Metropolitan Magistrate Court, George Town at 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] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;



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[e] the petitioner shall make himself available for

interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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];

M. NIRMAL KUMAR, J.

stn

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.



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To

1. The XV Metropolitan Magistrate,
George Town at Chennai.
2. The Inspector of Police,
H-4 Korukkupet Police Station,
Chennai. (Crime No.258 of 2025)
3. The Public Prosecutor, High Court of Madras.

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