



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23250 of 2021

M.K.Prabhakar

... Petitioner

Versus

State Rep by
Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai - 92.
(Crime No.978 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.978 of 2021 pending investigation on the file of the respondent police.

For petitioner : Mr.J.William Shakesphere

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 147, 148, 420, 419, 365, 344, 384, 506(2) of I.P.C, in Crime No.978 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were entrusted by the defacto complainant and her family to sell the property and executed a Power of Attorney. While so, the defacto complainant and her family members tried to deal with the property with some third parties. When the petitioner and other accused questioned the same, there arose wordy quarrel. It is further alleged that the petitioner along with other accused kidnapped the defacto complainant's son and taken the original title deed of the property and created bogus power deed also demanded Rs.10 Crore from the defacto complainant to release his son. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



3. The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that co-accused enlarged on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the alleged occurrence took place in the year 2020. He further submits that the investigation almost completed and co-accused enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned XXIII M.M. Saidapet, Chennai - 15 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 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 is directed to report before the respondent police daily 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

06/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI-15.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
R-5 VIRUGAMBAKKAM POLICE STATION,
CHENNAI - 92.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.WILLIAM SHAKESPHERE Advocate on payment of
necessary charges

CRL OP.23250/2021

Date :06/12/2021

RW 21/12/2021