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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.6567 of 2022

Akash Ebenezer

...Petitioner

Vs.

The State rep. by the
The Inspector of Police,
K4 Anna Nagar Police Station,
Chennai.
(Crime No.552 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on anticipatory bail in Crime
No.552 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Premkumar

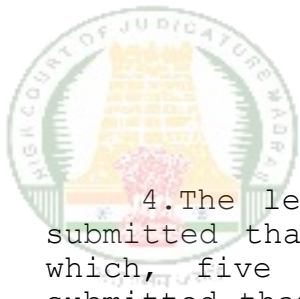
For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 385 and 506(i) of IPC in Crime No.552 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a BJP functionary. During the lockdown, he was involved in social work and at that time, One Madurai Bala demanded money from him as mamool. Hence, the complaint.

3. The learned counsel for the petitioner submitted 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 was enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) on instructions submitted that there are ten accused involved in this case, out of which, five accused were already released on bail. He further submitted that the petitioner is ranked as A7 and he is having three previous case. Further, he submitted that investigation almost completed. He further submitted that the petitioner's earlier anticipatory bail was dismissed by this Court in Crl.OP.Nos.443 and 2644 of 2022 dated 21.01.2022 and 04.02.2022. respectively However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the submissions made by both counsel and also considering the fact that the investigation was almost completed and some of the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, before the learned V Metropolitan Magistrate, Egmore, Chennai, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall stay at Cuddalore and report before the Town police Station, Cuddalore at 10.30 a.m., for a period of two months;

(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;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
25/03/2022

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 V METROPOLITAN MAGISTRATE
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
K4, ANNA NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
TOWN POLICE STATION, CUDDALORE.

+1CC to M/S.M.PREMKUMAR Advocate on payment of necessary charges
SR.No.4586

CRL OP.6567/2022

Date :25/03/2022

CSK 29/03/2022