



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23565 of 2021

Bakiyaraj @ Bakiyanathan @ Zacharia

... Petitioner

Versus

State Rep by
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai-600 081.
(Crime No. 1281 of 2021)

... Respondent

[Amended as per Order in Crl.M.P.No.13273 of 2021 in Crl.O.P.No.23565 of 2021 dated 09.12.2021]

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.1281 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Mohammed Rafi

For Respondent : Mr.N.S.Suganthan
Govt.Advocate(Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under sections 448, 294 (b), 506(ii) IPC, in Crime No.1281 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the sons of the defacto complainant had borrowed money from the accused. Even after returning the money, the accused threatened the son of the defacto complainant by demanding exorbitant interest. While so, on 15.08.2021, the petitioner along with few other accused entered into the house of the defacto complainant, threatened her son and daughter in law and forcibly taken away the original property documents and threatened to settle the amount within a month, Later on 21.09.2021 and 22.09.2021 at about 2 p.m., the petitioner along with other accused went to the shop of the defacto complainant, abused and threatened the staffs in



the shop and sent them out of the shop and thereafter, locked the door and taken away the key. 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 have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that A1 and A3 enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that the co-accused enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned **XV Metropolitan Magistrate, George Town, Chennai** on condition that the petitioner shall execute a bond for 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 appear before the respondent police daily for a period of eight weeks and thereafter as and when required.

[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/-

09/12/2021

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.XV, GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WASHERMANPET POLICE STATION,
CHENNAI-600 002.

+1 CC to M/S. M.MOHAMMED RAFI Advocate on payment of necessary charges SR.NO.14447

CRL OP.23565/2021

Date :09/12/2021

TA-14/12/2021

TA-04/01/2022