

Crl.O.P.No.12546 of 2021

M.DHANDAPANI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 323, 347, 384 and 420 IPC in Crime No.4 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the owner of the property. He borrowed a considerable amount from one of the accused. The said amount was not repaid, for which, the accused persons joined together and obtained three sale deeds under threat and coercion and hence, the de-facto complainant preferred a complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to cancel the two sale deeds. The petitioners have also filed an undertaking affidavit, in which in Paragraph

Nos.6 and 7, it has been stated as follows:

"6.I submit that the above said property was sold by me to Mr.Kesavan and his wife Mrs.Venkatakumari for a sale consideration of Rs.9,00,000/-. I am willing to cancel both the sale deeds in respect of the above mentioned properties.

7.The said Rajesh/de-facto complainant executed a registered power of attorney (GPA) in my favour. It is the said Rajesh/de-facto complainant who brought one Mr.Kesavan and wanted me to execute a sale deed in favour of the said Mr.Kesavan and his wife Mrs.Venkatakumari. Accordingly, I executed the sale deed in respect of the property bearing Plot No.1/179, extent of 180 sq.mtr.(1937 sq.ft) comprised in Survey No.84/7 Part in Tirur Village, Kancheepuram Registration District, Manavalanagar Sub District, Thiruvallur Taluk and District, within the limits of Kadambathur Panchayat Union. I am ready to execute whatever document required by the police to cancel the sale deed. The cancellation of the sale deed however has to be done only by the buyer and seller namely Rajesh/de-facto complainant and Mr.Kesavan."

4.The learned Government Advocate (Crl.Side) would submit that the petitioners have filed the undertaking affidavit and they are ready to cancel the sale deeds, which were executed under alleged threat and

coercion and hence, he has no objection.

5.Considering facts and circumstances of the case and considering the submission made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the ***Special Metropolitan Magistrate Court for CCB & CBCID at Egmore***, on condition that

(i)the petitioners are directed to execute the cancellation deeds in respect of the properties mentioned in the affidavit of undertaking, which are the subject matter of complaint, within a period of two months from the date of receipt of a copy of this order;

(ii) They shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand Only) each, 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 and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)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;

(c)the petitioners shall report before the respondent police as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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***

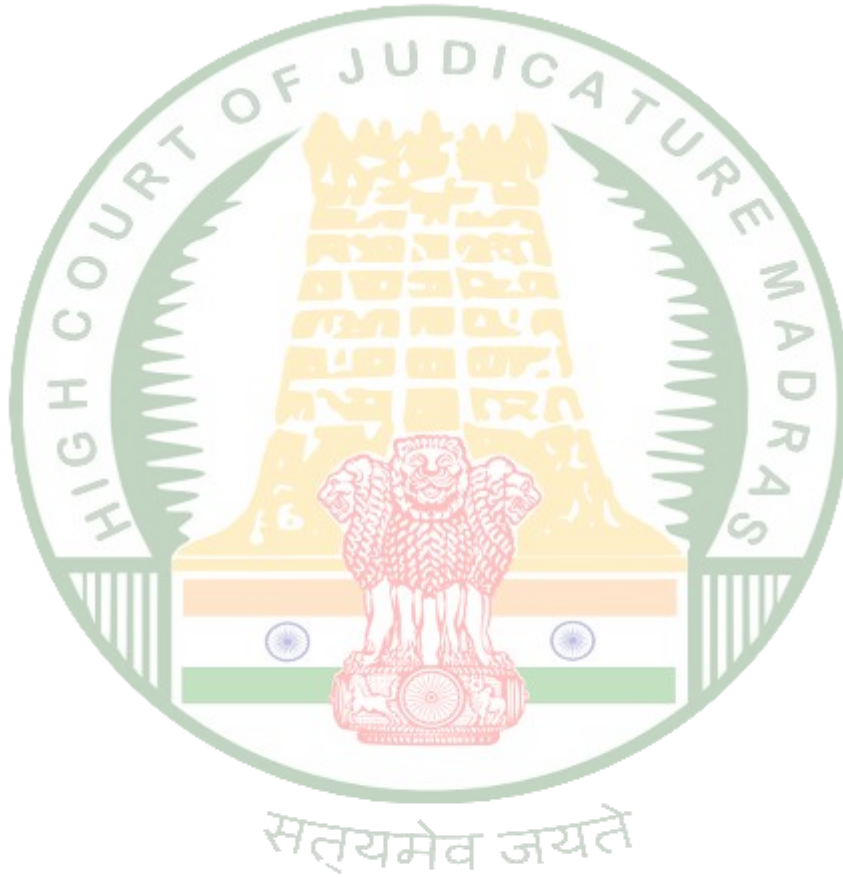
[(2005) AIR SCW 5560]; and;

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

7. In the result, this Criminal Original Petition is ordered.

30.07.2021

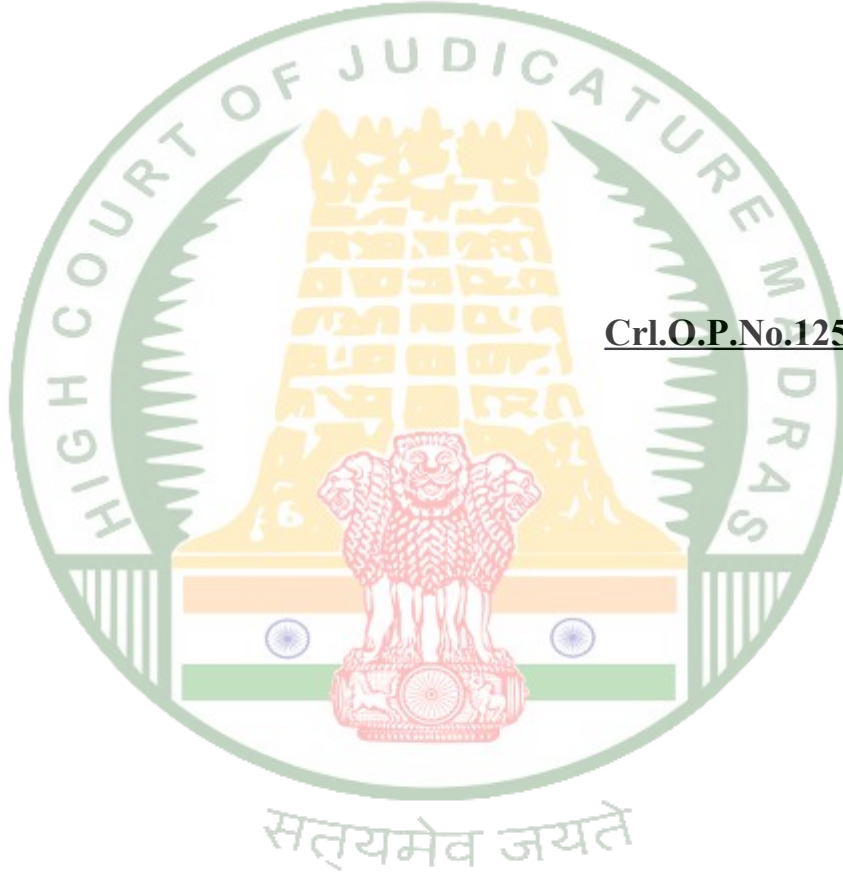
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