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Crl.O.P.No.25774 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143, 347, 365, 323 & 506(I) of IPC in Crime No.259 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant Amarram is that he is running a Pawn shop at Sholinganallur. On 16.09.2022 at 7.30 a.m., one Senthamizh had called him on mobile phone and asked him to come to Marina beach. The *de-facto* complainant had gone there. While he was standing near the light house, 4 unknown persons removed his scooter, kicked and pushed him inside the car and switched off his mobile phone. Thereafter, tied his hands, eyes and taken him to Thiruporur Sub-Registrar Office and made him to sit inside the car outside the SRO's office and also threatened him with knife and obtained signatures in blank paper. At that time, one Krishnamoorthy and his wife Vimala of Mylapore along with 10 other persons threatened



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him not to disclose the same to any body and threatened him that they will do away his family and hence, the *de-facto* complainant did not inform it to any body. Further, on the same day at 7.00 p.m., the said Krishnamoorthy had taken the *de-facto* complainant in his own car and pushed him before his shop. The *de-facto* complainant had informed to his wife. The further averment is that the *de-facto* complainant had entered into an sale agreement with said Krishnamoorthy in respect of property in Survey No.20/2A1, Navalur village measuring 58 cents and the *de-facto* complainant had paid Rs.60,00,000/-. Subsequently on 24.08.2018, the said Krishnamoorthy received the balance consideration and had executed a sale deed in respect of the property. While so, one Manogaran/petitioner herein had filed a suit before the Madras High Court and also an another suit before the District Court, Chengalpattu against the *de-facto* complainant and the said Krishnamoorthy and the case is pending and settlement talks were going on. The further allegation is that only on the instigation of the said Krishnamoorthy, the *de-facto* complainant was taken to the Thiruporur Sub-Registrar Office and the sale deed was illegally cancelled. Thereafter, the property



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belonging to the *de-facto* complainant had been transferred to the name of one Boomi Builders, Chennai. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is A4 in this case and he is the original owner of the property in Survey No.20/2A1, measuring 58 cents in Navalur Village. It is his ancestral property. After demise of his father, the petitioner's mother and his sisters have executed release deed in favour of the petitioner and the petitioner became the absolute owner of the property and the petitioner is in possession of the property. While so, one Krishnmoorthy and the *de-facto* complainant by fabrication of documents attempted to grab the property of the petitioner. Thereby, earlier based on fabricated documents, they had entered into a registered sale agreement. Based on that, the *de-facto* complainant also obtained patta. The petitioner being the original owner of the property filed a Writ Petition seeking cancellation of patta and this Hon'ble Court by an Order dated 29.03.2019 in W.P.No.21202 of 2018 had set-aside the patta granted in favour of A1 and had also directed the parties to approach the civil Court



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seeking for declaration of title, pursuant to which, the petitioner has also filed a declaration suit before the Chengalpattu Court and it is pending. Later, the petitioner wanted to sell the property to M/s. Premium Prosperity Infra Pvt Limited (Boomi Builders). In order to clear the encumbrance, the petitioner had called the persons who had fabricated the documents Viz., Krishnamoorthy/A1 and the *de-facto* complainant pursuance to which all of them came to Thiruporur Sub-Registrar Office, and the registered sale agreement was cancelled and later the property was sold to M/s. Premium Prosperity Infra Pvt Limited (Boomi Builders). He would further submit that *de-facto* complainant and A1 are well aware of the affairs and voluntarily they have agreed for cancellation of the sale agreement. Later, due to some misunderstanding, a false complaint has been given after several days and a case of civil nature has been given criminal colour and an attempt has been made to extort money from the petitioner. He would further submit that the conduct of the *de-facto* complainant before the Thiruporur Sub-Registrar Office would clearly prove that the entire allegations are false. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that in the complaint *de-facto* complainant has alleged that he was taken under threat and coercion by 4 unknown persons in a car and as per the complaint of the *de-facto* complainant, he has stated that he was kept in a car out side the office of the Sub-Registrar, Thiruporur and that certain signatures were obtained in blank paper from him. Whereas, during the course of the investigation, the respondent police has enquired the Sub-Registrar, Thiruporur and statement has been obtained from him on 21.09.2022, wherein he has stated that the *de-facto* complainant had willingly came into the office and he has signed all the documents in his presence. In the statement recorded, the Sub-Registrar, Thiruporur had also spoken about the manner in which the *de-facto* complainant has executed the documents and it has appeared that there was no threat or force to the *de-facto* complainant. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Mr.John Sathyan, the learned counsel appearing for the intervenor would submit that on the instigation of the A4/petitioner herein only everything had happened. The accused persons had joined together and they have kidnapped the *de-facto* complainant from Marina beach, taken him to Sub-Registrar Office, Thiruporur and the *de-facto* complainant was confined in a car and documents were executed under threat and coercion. He would further submit that the accused are highly influential persons, and A3 is a sitting Councillor belonging to the ruling party wielding huge influence. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Heard the learned counsel. Perused the materials available on record including the C.D. File. The statement recorded from the Sub-Registrar, Thiruporur, shows that the *de-facto* complainant had voluntarily participated in the registration. As per the statement from the Sub-Registrar, Thiruporur, it is stated that the *de-facto* complainant came to the Sub-Registrar Office, Thiruporur and the document has been



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registered and he has also stated that the *de-facto* complainant was found not to be under any threat or coercion and that the documents were registered only after due enquiry of facts and perusal of the records.

7. Further it is also submitted that litigations are pending between parties and a Civil Suit in O.S.No.13 of 2018 is filed before District and Sessions Court, Chengalpattu and it is pending. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Metropolitan Magistrate-2, Egmore**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



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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 shall report before the respondent police everyday at 10.30 a.m. for a period of four weeks and thereafter on every Saturday 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]**.



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

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