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Crl.O.P.No.25778 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners 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, seek 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/1st



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petitioner herein and his wife Vimala/2nd petitioner herein of Mylapore along with 10 other persons threatened 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 1st petitioner herein 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 the 1st petitioner 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 1st petitioner herein had received the balance consideration and had executed a sale deed in respect of the property. While so, one Manogaran 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 1st petitioner herein and the case is pending and settlement talks were going on. The further allegation is that only on the instigation of the 1st petitioner herein, the *de-facto* complainant was taken to the Thiruporur Sub-



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Registrar Office and the sale deed was illegally cancelled. Thereafter, the property 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 petitioners would submit that the 1st & 2nd petitioners are arrayed as A1 & A3 in this case respectively. He would submit that A4 and the petitioners are also co-owners of the property. Earlier, the petitioners had entered into a sale agreement with the *de-facto* complainant. Subsequently, coming to know that A4 is also having some interest in the property and there are some litigations pending between the petitioners and A4, petitioners want to cancel the sale agreement entered into with the *de-facto* complainant. Pursuant which the *de-facto* complainant voluntarily came to the Sub-Registrar Office, Thiruporur without any compulsion or coercion and executed the documents. Later, due to some misunderstanding regarding settlement, the *de-facto* complainant has filed a false complaint. He would reiterate that no such incident has happened as projected by the *de-facto* complainant and the entire allegations made by the *de-facto* complainant



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are false in nature. He would further submit that SRO's Office is a public place which is entirely covered by CCTV cameras and every registration is being done right under the nose of the Sub-Registrar, who is a Government Officer. The *de-facto* complainant had voluntarily come and registered the document. Hence, he prays to grant anticipatory bail to the petitioners.

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



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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 petitioners.

5. Mr.R.C.Paul Kanagaraj, the learned counsel appearing for the intervenor would submit that the accused in a high-handed and atrocious manner kidnapped the *de-facto* complainant in front of the light house, Marina Beach taken him in a car all way to the Sub-Registrar Office, Thiruporur, where he was kept inside the car under threat and the parties with the collusion of the Sub-Registrar, Thiruporur had forcefully executed the documents. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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



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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 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 petitioners with certain conditions.

8. 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 on which the order copy made ready, before the **XIII Metropolitan Magistrate Court, Egmore, Chennai**, on condition that each of the petitioners shall execute a separate bond for a



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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 petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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



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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]**.

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

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