



WEB COPY

Crl.O.P.No.27621 of 2022



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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends 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, seeks anticipatory bail.

2. The case of the prosecution is that the accused had taken the defacto complainant under threat to SRO office and had registered the documents under threat. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since, he happens to be the friend of the other accused. He would further submit that co-accused in this case had been granted anticipatory bail by this Court in Crl.O.P.No.25778 of 2022 dated 01.11.2022. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit



that, in the complaint, the defacto 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 defacto complainant, he has stated that he was kept in a car outside the office of the Sub-Registrar, Thiruporur and that certain signatures were obtained in blank paper form 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 defacto 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 defacto complainant has executed the documents and it has appeared that there was no threat or force to the defacto complainant. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also considering that co-accused in this case had been granted anticipatory bail, this Court is inclined to grant anticipatory bail with certain conditions.

6. 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 II Metropolitan Magistrate, 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 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 daily 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.

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[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.

14.11.2022

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