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Crl.O.P.No.28526 of 2022

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

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and his wife Vimala 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 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 the 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 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 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

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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 petitioners' name does not find place in the First Information Report. He would further submit that the similar placed co-accused has been granted anticipatory bail by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor 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

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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 petitioners.

5. 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 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.

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6. 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.

7. 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 **learned Metropolitan Magistrate No.II, Egmore, Chennai,** on condition that each of the petitioners shall execute a separate 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:

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[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 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].**

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

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