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CrI.O.P.No.29424 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.29424 of 2022

1. K.Vijayabaskar

2. K.Ravindran

... Petitioners

Vs.

The State represented by,
The Station House Officer,
Chidambaram Town Police Station.
Chidambaram Taluk,
Cuddalore District.

(Crime No.649/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with the Crime
No.649 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Sathish Rajan

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioners, who were arrested on 08.11.2022 and remanded to judicial custody on 09.11.2022 for the offences punishable under Sections 147, 294(b), 323, 342, 364A & 506(i) IPC, in Crime No.649 of 2022 on the file of the respondent police, seek bail.

2.1 The case of the prosecution as per the de-facto complainant Kumar is that he is the District Secretary of Devar Peravai and that the victim Haja Mohideen is his friend. During the year 2017, the victim had purchased the property measuring an extent of 6000 Sq.ft in No.13, North Street, Chidambaram from one Jamal Mohideen (A1) and it was in his possession. Since, the victim was going abroad, he had let the property for rent to A1, whereas, A1 did not pay the rent for the last 5 years and sublet the property and enjoying the rental and lease income from the said property. Thereafter, after returning from abroad, on 21.10.2022, the victim and the complainant had come to Chidambaram and demanded rent amount for about 5 years to A1. At that time, A1 and his friends A2 and A3/petitioner herein had ill treated the victim and the complainant by stating that they do not have any right over the said property.

2.2 Thereafter, the victim and the complainant went to the



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respondent on 22.10.2022 and preferred a complaint, which is registered in C.S.R.No.777 of 2022. Thereafter, on 05.11.2022, when they went to obtain Encumbrance Certificate of the said property near Shahjahan complex, A1 to A3 had come along with the other persons in a car, surrounded the victim and took him inside the said complex to a shop of a document writer and by threatening him, had made him to execute a document. The *de-facto* complainant and one Mohan had awaited outside the complex for about four and half hours and thereafter, believing that the victim would come, had returned to Chennai. While so, on 07.11.2022, at about 8.30 p.m., the victim from a mobile number 9176867040 had called the complainant and informed that the accused had by threat forcibly obtained signature in an agreement with respect to the above said property and had taken him in a car which belongs to one Bala, on 05.11.2022 to Heaven's Land Lodge, where he was detained in room No.105 and beaten him by asking the original documents of the above said property and threatened him with dire consequences.

2.3 Subsequently, on 08.11.2022, the complainant and his driver had gone to the lodge and enquired the watchman about the persons who were in the room No.105 and he had informed that 4 persons who were



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staying in the said room left in the morning in a Baleno Car bearing registration No.PY-01-VB-8374. Thereby, the complainant has lodged a complaint to rescue the victim. Based on which the case was registered and the petitioner along with other accused were arrested at Neelangarai, Chennai on 09.11.2022. Hence the case.

3. Mr.S.Sathish Rajan, learned counsel appearing for the petitioners submitted that the first petitioner(A4) is the car driver and the second petitioner (A9) was the friend of the first petitioner. He also stated that the petitioners had accompanied the other persons in respect of a settlement regarding a civil dispute and other than that they are not aware of anything. He also stated that very reading of the First Information Report would show that there seems to be a dispute between the victim and the complainant on one side and the accused on other side and the petitioners have no role in the transaction between the parties and they are unnecessarily roped-in in this case and they are in custody from 09.11.2022.



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4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that there was a civil dispute between the victim and the A1 and one Nalraj (A7) with regard to the sale of a property when he had refused to pay the rent to the property belonging to the victim. He further submitted that after the victim had come from Singapore while so on 05.11.2022, the accused have kidnapped and taken him to the document writer's office and had under threat forcibly obtained signature in empty bond papers and fabricated documents and thereafter detained him in a lodge in Chidambaram and later forcibly took him to Chennai. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the entire case of the prosecution seems to be dramatic and even as per the complainant, the victim was kept in the document writer's office for about four and half hours and only thereafter, he is stated to have been taken to the lodge in Chidambaram. He further submitted that the occurrence is stated to have been taken place on 05.11.2022 and the complaint was given only on 08.11.2022. He also submitted that only to avoid the repayment of Rs.25 lakhs and to evade the execution of sale deed, a false complaint has



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been given on 08.11.2022. Hence he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Chidambaram**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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]*;

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

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To

1. The Judicial Magistrate-II,
Chidambaram.
2. The Station House Officer,
Chidambaram Town Police Station,
Chidambaram Taluk, Cuddalore District.
3. The Central Prison,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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