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CrI.O.P.No.29527 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 147, 294(b), 323, 342, 364A & 506(i) IPC, in Crime No.649 of 2022 on the file of the respondent police, seek anticipatory 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



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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 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



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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 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.R.Gopinath, learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A5 & A6 in this case. He further submitted that the victim is the owner of the building and he had entered into the sale agreement for the sale of property on 09.09.2021 and he had also received an amount of Rs.25 laksh by RTGS, whereas,



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the sale consideration was fixed at Rs.2Crore 15 lakhs and the buyer has to pay the balance within three months from 09.09.2021. He also submitted that the first petitioner is the broker to the sale and the second petitioner is the person, who witness to the sale agreement. He also stated that after receiving Rs.25 lakhs, the victim had refused to come for executing the sale deed and thereby, there was a dispute between the victim and one Nalraj (A7). He further submitted that only in order to avoid the repayment of Rs.25 lakhs and to evade the execution of sale deed, a false complaint has been given by the de-facto complainant. He further stated that the entire case of civil dispute has been projected as a case of kidnap for ransom. He also stated that the entire documents have also been recovered by the respondent and there is no previous case as against the petitioners. He reiterated that the petitioners were unnecessarily roped-in in this case. Hence, he prays to grant anticipatory bail to the petitioners.



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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. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners, 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 Judicial Magistrate-II, Chidambaram**, on condition that the petitioners shall execute 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 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 stands 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., 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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