



CrI.O.P.No.17399 of 2023

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WEB CRI.O.P.No.17399 of 2023 RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 143, 347, 365, 323 & 506 (i) of IPC in Crime No.259 of 2022 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.08.2018, the Defacto Complainant/Amara Ram entered into a sale agreement with Krishna Moorthy in respect of survey No.20/2A1 to an extend of 58 cent for an amount of Rs.68,00,000/- and later the said Krishna Moorthy received a sale consideration by cheque. In the mean time, one Manoharan of Karanai claimed right over the property and filed a petition before this Court as well as civil Suit before the Chengalpattu District Court. On 16.09.2022 the said Krishna Moorthy along with his wife and four unknown person kidnapped the Defacto Complainant in a car and brought her to Tiruppu Sub Registrar Office and compelled her to cancel the sale deed in favour of Chennai Boomi builders. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that as per the complaint, occurrence took place on 16.09.2022 and complaint was given on 14.10.2022, that itself shows that there was some civil dispute between the parties. The co-accused was enlarged on bail in CrI.OP.No.26097 of 2022 on



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03.11.2022. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioner.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that already anticipatory bail was granted to the Petitioner by order of this Court in Crl.OP.No.28526 of 2022, dated 24.11.2022. He vehemently opposed to grant anticipatory bail to the Petitioner.

5.Heard both sides and perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsel on either sides and the nature and gravity of the alleged offence, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

7.Accordingly, the Petitioner is ordered to be released on bail in the event of arrest or on his appearance, on or before **30.08.2023**, before the **learned Metropolitan Magistrate No.II, Egmore, Chennai** on condition that the Petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 no other Petition for**



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Anticipatory Bail will be entertained and on further condition that:

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[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, on everyday at 10.30 am for a period of three 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.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

09.08.2023

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RMT.TEEKAA RAMAN, J.



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