

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. SATHYANARAYANAN

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.27793 of 2019

A.R.CHANDRAN

[PETITIONER / ACCUSED]

vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
THE DISTRICT CRIME BRANCH,
DHARMAPURI DISTRICT, DHARMAPURI.
CR.NO.1/2018.

For Petitioner : MR.P.KUMARAN FOR M/S.N.ELUMALAI Advocate

For Respondent : MR. R.PRATAP KUMAR ADDITIONAL PUBLIC PROSECUTOR

For Intervener : A.ILAYAPERUMAL Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The petitioner herein is arrayed as A-8 and he was arrested on 28.09.2019 and remanded to judicial custody by the respondents in Crime No.1 of 2018 for the alleged commission of offences under Sections 120(b), 465, 468, 471 and 420 IPC.

2. Mr.P.Kumaresan, learned counsel assisted by Mr.N.Elumalai, learned counsel appearing for the petitioner would submit that the allegations against the petitioner is that he is functioning Arbitration centres and introduced some of the accused, who are Advocates to act as Arbitrators and indulged in conducting fake arbitration proceedings, which resulted in arbitral awards. The primordial submission made by the learned counsel appearing for the petitioner is that he has nothing to do with the alleged commission of offences and he used to collect cases and engage the services of advocates and except the limited role, he has not involved in commission of any cognizable offences and would further add that the allegations levelled against him are wholly untrue. In the light of the fact that his police custody has also been taken and the period of incarceration already undergone by him during investigation, his plea for bail may be considered.

3. *Per contra*, learned Additional Public Prosecutor has invited the attention of this Court to the additional Status Report of the Additional Director General of Police (Law and Order) dated 06.11.2019 and would submit that the petitioner was arrested on 28.09.2019 and he has already came forward to give confession statement, which lead to the seizure of incriminating materials and his premises was also searched, which lead to recovery of material documents such as arbitration proceedings, Identity Card showing that he is a Judge and also very many arbitration awards and the materials collected would disclose that he had established fake arbitration Centres and engaging the services of some of the lawyers as arbitrators, which resulted in arbitration awards. It is also the submission of the learned Additional Public Prosecutor that he is also running Asia Pacific Arbitration Council and posed as Judge and also appointed various lawyers as Arbitrators and also indulging in creation of false and fabricated documents. The petitioner is also facing prosecution in Cr.No.36 of 2019 registered by Bangalore City Chanammana Kere Police Station for the commission of offence under Section 7 of the State Emblem of India (Prohibition of Improper Use) Act, 2005 and Sections 34, 419, 420, 420 B, 465, 473, 468, 471 IPC and Coimbatore District Crime Branch Cr.No.10/2015, under Sections 120 B, 468, 471, 472 & 420 IPC and that apart particulars are also sought for as to the involvement of the petitioner in other cases and the same are awaited. The learned Additional Public Prosecutor appearing for the State strongly opposes the plea for bail for the reason that in the event of his enlargement on bail, he not only tamper with the witnesses but also would start conducting other fake arbitration proceedings.

4. The learned counsel appearing for the intervenor apart from supporting the arguments of the learned Additional Public Prosecutor would submit that from material particulars collected so far, it appears that this petitioner / A8 had played very major role and he also posed as a Judge by producing fake identity cards and that apart, he also used to employ Gunman to make the persons to know as if he is a Judge and that apart he also used National Flag which also lead to the registration of the case by Bangalore City Chanammana Kere Police Station for the commission of offence under Section 7 of the State Emblem of India (Prohibition of Improper Use) Act, 2005 and prays for dismissal of this petition.

5. This Court heard the arguments advanced by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

6. A perusal of the above cited Status Report coupled with the written objections filed by the Investigating Officer would *prima facie* disclose that though the petitioner is not a legally qualified person to conduct the arbitration proceedings, indulged in cheating and other alleged offences and also utilised the services of some of the lawyers to conduct the arbitration proceedings, which also resulted in fake arbitration awards and that apart, recovery of articles pursuant to the admissible portion of the confession statement would also disclose that he posed as Judge and used to go

in a car as if he is a very very important person and also engaged the services of two persons to show they are his Gunman/security guards.

7. The petitioner is supposed to know the consequences of his alleged illegal acts and despite that, his acts of indulging in such kind of offences continued.

8. The learned Additional Public prosecutor would submit that investigation is midway and steps have been taken to collect particulars as to his involvement in other cases.

9. This Court, taking note of the fact that the investigation is in crucial stage and the alleged role played by him in the arbitration proceedings, is not inclined to consider his plea for bail, at this stage.

10. In the result, the **Criminal Original Petition is dismissed.**

-sd/-

07/11/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
THE DISTRICT CRIME BRANCH,
DHARMAPURI DISTRICT,
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+2 CC to M/S.N.ELUMALAI Advocate on payment of necessary charges SR.NO. 23048

+1 CC to M/S.A.ILAYAPERUMAL Advocate on payment of necessary charges SR.NO. 23048

CRL OP.27793/2019

Date :07/11/2019

RD 14/11/2019