



Crl.O.P.No.21416 of 2023

Orders Reserved on
25.09.2023

Orders Pronounced on
06.10.2023

Crl.O.P.Nos.21416 & 21459 of 2023

RMT. TEEKAA RAMAN., J.

The petitioner in Crl.OP No.21459 initially not named in the FIR and as per the learned Government Advocate (crl.side), he is now termed as A.3, s/o A.1. The petitioners in Crl.OP No.21416 of 2023 are arrayed as A.2, A.6 & A.7. However, after preliminary investigation, there is some re-arrangement between the parties. The petitioners apprehend arrest at the hands of the respondent police for alleged offences under Section 392, 448 and 506(ii) IPC @ 448, 395 IPC.

2(i) The alleged occurrence is said to have taken place on 26.08.2023 and the complainant lodged and FIR has been registered on 27.08.2023.

2 (ii) The case of prosecution is that the de-facto complainant by name Jithesh Kumar lodged complaint against the petitioners stating that the petitioner/A1 and his legal head came to the office of the complainant for



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verification of the original documents of the property and verified the original documents and they left the complainant's office by taking alleged documents of his client viz., Dhanaraj Remesh Kumar. It is further alleged that based on the instruction of A1, one Praveen Kumar (A2) along with many unknown persons trespassed into his office and assaulted the de-facto complainant and threatened them with knife and snatched the original documents and ran away from his place. It is further alleged that the de-facto complainant is suspecting One Dhandapani herein has planned and sent the petitioners to snatch the original documents from the complainant.

3. Mr.R.Jothimanian, learned counsel for the petitioners in Crl.OP No.21416 of 2023 submitted that the alleged documents belong to said Dhandapani and his family members viz., wife and son and the same have been handed over to these petitioners for sale of the lands and therefore they went to one Dhanraj Rameshkumar and defacto complainant, since both of them are doing Real Estate Business. On 26.08.2023 at 4.30PM, they went to defacto complainant office at Egmore and shown to them for the sale of the properties. But since the amount has not been agreed, as per present value, they have taken back the said documents.



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4 (i) Mr.R.Rajarathinam, learned Senior Counsel appearing for the petitioner in Crl.OP No.21459 of 2023 would contend that one Arunachala Kumar who is name as A.1 in the FIR is a common friend of the father of the defacto complainant and the defacto complainant is a well known financier in the city and he had interaction with Inderchand Kochar. The prime accused A.1 in whose name the document stands has been arrested by the respondent police and released by the Principal Sessions Judge, Chennai in Crl.MP No.21985 of 2023 on 02.09.2023 and also stated that as against the defacto complainant, there are several number of criminal cases pending in respect of document fraud. He further submitted a list of criminal cases pending against the defacto complainant in respect of real estate business, land grabbing and document fraud and produced an article published in investigating journals regarding the alleged act of the father of the defacto complainant and their family. Mr.Dhanraj Kocher, father of the defacto complainant Jitesh Kochar is facing seven criminal cases, details as follows -

<i>Srl.No.</i>	<i>Details of cases</i>	<i>Sections of Law</i>
1	CCB Cr.No.279 of 2006	406, 506(i) IPC, 3 & 4 of TNPCEI Act 2003
2	CCB CR.No.570 of 2006	406, 420, 120(b) IPC



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<i>Srl.No.</i>	<i>Details of cases</i>	<i>Sections of Law</i>
3	CCB Cr.No.43 of 2014	406, 420, 506 (i) IPC
4	CCB Cr.No.99 of 2014	420 & TNPCEI Act 2003
5	CCB Cr.No.100 of 2014	406, 420, 506 (i) IPC
6	CCB Cr.No.456 of 2017	420, 465 of IPC
7	CCB Cr.No.73 of 2018	420 r/w 34 IPC

4(ii) The learned Senior Counsel would contend that the defacto complainant and the petitioner in Crl.OP No.21459 of 2023 are known to each other for several years, however his name was not mentioned in the FIR. Had there been the petitioner gone to the scene of the alleged crime, his name would have been referred in the FIR and subsequently he has been falsely included in this case.

4 (iii) The learned Senior Counsel has also produced the order of conviction passed in C.C.No.530 of 2007 by the Judicial Magistrate Court, Alandur on 01.11.2017 whereby the father of the defacto complainant was convicted and the Criminal Appeal filed before this Court was dismissed and the revision is pending before this Court.



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5. Mr.Nithyaesh Natraj, learned counsel for the defacto complainant would contend that the complaint speaks for itself and the prime accused Dhandapani has given a statement before the Income Tax officials regarding borrowal of money from the defacto complainant and A.2 to A.6 came to the house and taken away the original document.

6. Per contra, Mr.Jothimanian, learned counsel for the petitioner in Crl.OP No.21416 of 2023 would contend that A.1 is the owner of the property and he is in possession of the document and he has joined there to show the document for the purpose of selling the property and as they were not agreeable, they returned. The defacto complainant was an Advocate and subsequently, for certain alleged malpractices, his name has been removed from the Bar Council and more than seven cases relating to real estate business has been filed against his family members. Hence, they have cleverly foisted false case against the petitioners showing them as accused and also placed before this Court certain publications made in the investigating journals. The defacto complainant and his family members were subjected to Income Tax Raid and Enforcement Directorate raid.



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7. Heard the learned counsel for the petitioners in Crl.OP No.21416 of 2023, learned Senior Counsel for the petitioner in Crl.OP No.21459 of 2023 as well as the intervenor and the learned Government Advocate (crl.side).

8. Considering the submissions made by the rival parties, I am inclined to grant anticipatory bail to the petitioners.

9. 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 is made ready, before the learned **XIV Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond



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and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] shall report before the respondent police daily 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

rgr

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order in
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