



Crl.O.P. No.13681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	31.07.2024
Pronounced on	02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Crl.O.P. No.13681 of 2024
and Crl. M.P.No.9173 of 2024

1.M.Karishma Bothra
2.M.Sandeep Bothra

... Petitioners

Vs.

State by the Inspector of Police,
Central Crime Branch – I,
Vepery, Chennai 600 007.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., to
grant anticipatory bail to the petitioners in the event of arrest by the
respondent in Crime No.269 of 2022 on the file of the respondent.

For Petitioners : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl.side)

For Intervenor : Mr.L.Infant Dinesh

ORDER

The third and fourth accused in Crime No.269 of 2022 registered
under Sections 465, 468, 471 r/w 34 IPC have filed this application seeking



anticipatory bail. They are both sister and brother respectively. There is yet another brother A1, who had been initially detained under the Tamil Nadu Act 14 of 1982, but substantially the said detention had been revoked.

2. The father of the petitioners herein entered into a lease agreement with the defacto complainant on 01.11.2013 with respect to taking on possession as lessee on monthly rental basis, premises at Old No.48, New No.8, Vijayaraghava Road, T.Nagar Chennai 600 017. That agreement dated 01.11.2013 is admitted by both parties, particularly the lessor/defacto complainant.

3. Expressing grievance that the monthly rent had not been paid, the defacto complainant had filed R.C.O.P.No.927 of 2017 and yet another R.C.O.P.No.557 of 2018. They were both pending when the lessee/father of the present petitioners died on 17.04.2019. The possession of the petitioners and the first accused then became questionable since tenancy cannot be inherited. Thereafter, the RCOPs continued and it is the specific case of the defacto complainant that there were five or six hearings before the Rent Control Tribunal wherein, though death of the father was mentioned, existence of yet another agreement was not brought to the notice



of the Court. By that time, a new procedure to examine the issues between landlord and tenant had been introduced and RLT OP No.345/2019 came to be instituted by the defacto complainant herein before the concerned Tribunal. At that particular point of time, the petitioners herein and the first accused had brought before the Court a rental agreement dated 08.04.2019, which is the subject matter of lodging of the complaint and registration of FIR.

4. It is the specific case of the defacto complainant that the said rental agreement had been prepared on a stamp paper purchased in the year 2018 in the name of a stranger called Suresh and was not a registered agreement. It must be kept in mind that one of the requirements of initiating a procedure under the RLT OP is that the rental agreement should be registered, but if there is an unregistered agreement between the landlord and tenant, the same can be presented for registration before the competent authority.

5. It is the specific case of the defacto complainant that the petitioners herein and the first accused had provided proof of such registration of an agreement dated 08.04.2019 and it is the specific case that such registration is forged and no such registration had been done or effected. It is also



further stated that the signature of the defacto complainant is forged. It is also contended that the father of the petitioners herein was not in a position to sign since he was in bed and unfortunately also died. It is also contended that in the said rental agreement dated 08.04.2019, it had been stated by the petitioners herein and the first accused that a sum of Rs.6/- Crores had been given as advance. This amount was not mentioned in the original agreement. It had been further stated that the right to be in possession was for a minimum of 10 years. Stating all these allegations and further stating that the signatures had been forged and the rental agreement itself is a forged document, a complaint had been lodged leading to registration of FIR.

6. The learned counsel appearing on behalf of the petitioners pointed out that the 1st petitioner is a daughter of the family and sister of the other accused. It is stated that they had no knowledge of the issue of forgery. If at all the forgery is alleged, it cannot be alleged against her. He also stated that the petitioners were not involved in the act of forgery.

7. The defacto complainant had entered appearance by filing an intervening application. According to the learned counsel, the agreement



which the petitioners and first accused had projected had been found to be forged after being examined by the Forensic Laboratory. It is therefore evident that the accused had committed forgery. It is also stated that before the Rent Control Tribunal, eviction orders have been passed and the petitioners were directed to vacate and handover the possession within a period of two months.

8. This Court had sought directions from the learned counsel for the petitioners as to whether the petitioners are prepared to atleast vacate the premises. The learned counsel received instructions and stated that the petitioners would vacate the premises if the defacto complainant pays a sum of Rs.6/- Crores. The basis for demand of such amount is the agreement which has been found to be forged agreement. Therefore, the condition imposed by these petitioners will necessarily have to be rejected. It is clear that their claim for innocence and ignorance will have to be rejected by this Court.

9. The earlier application seeking anticipatory bail had been dismissed on 27.11.2023. It is not known why the respondent has still not taken the petitioners into custody. There is no change in circumstances. The



Crl.O.P. No.13681 of 2024

petitioners are still absconding and evading the respondent. The respondent is also not interested in taking the petitioners into custody. The petitioners are continuing to occupy the premises and now, they demand the sum of Rs.6/- Crores to be paid to them if they are to vacate. Even though the Rent Control Tribunal had given a finding, the petitioners are in possession of the property, the respondent still has not taken them into custody.

10. I am not inclined to grant anticipatory bail to the petitioners and the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

02.08.2024

Index :Yes/No
Internet:Yes/No
gsa



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Crl.O.P. No.13681 of 2024

C.V.KARTHIKEYAN, J.

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Crl.O.P. No.13681 of 2024
and Crl. M.P.No.9173 of 2024

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