

# Copy of Bail Order

2023 : DHC : 8548



\$~3

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 29<sup>th</sup> November, 2023*

+ **BAIL APPLN. 2539/2023, CRL.M.A. 20203/2023 (Ex. from filing lengthy synopsis)**

TRIKKUR VENKATACHALAM  
RADHAKRISHNAN

..... Petitioner

Through: Ms.Mukti Singh and Mr.Sunil Kr.  
Singh, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms.Shubhi Gupta, APP for the State.  
SI Ravinder Singh, PS Crime Branch.  
Mr.Tanveer Ahmed Mir and  
Mr.Arjun Syal, Advocates for  
respondent no.2/ complainant.

**CORAM:**  
**HON'BLE MR. JUSTICE AMIT BANSAL**

## **JUDGMENT**

**AMIT BANSAL, J. (ORAL)**

**BAIL APPLN. 2539/2023**

1. The present application has been filed seeking grant of bail in FIR No. 295/2022 dated 24<sup>th</sup> December, 2022 under Sections 408/409/420/467/468/471/120B of the Indian Penal Code, 1860 (IPC) registered at Police Station Crime Branch.

2. The case set up by the prosecution is as under: -

I. The present FIR arose from a fraudulent transfer of property bearing



no. 12C, New Friends Colony (West) by the complainant/ respondent no.2, who has since expired, in favour of the main-accused, one Mr. Awaneesh Chandra Jha (hereinafter the main-accused).

- II. The ownership of the said property vested with the company Joint Investment Private Limited (JIPL), in which the respondent no. 2 held majority shares, to the tune of 8200 shares.
- III. The main-accused was introduced to the respondent no. 2 by the applicant. The applicant was in the employment of the respondent no. 2 for a period of 30 years till 2017 and later joined the employment of the main-accused from 1<sup>st</sup> May, 2022.
- IV. The allegation qua the applicant is that he facilitated the illegal transfer of property by obtaining the digital signatures of the respondent no.2 and handing it over to the main-accused which was then used by the main-accused to transfer 8200 shares of JIPL in his favour.

3. Learned counsel appearing for the applicant submits that the applicant left the employment of the respondent no. 2 way back in 2017. Hence, he had no access to the digital signature of the respondent no. 2. Therefore, offences under Sections 408/409 of the IPC cannot be made out.

4. It is stated that in the present FIR, the Chargesheet has already been filed and the investigation qua the applicant herein stands completed. Therefore, custodial interrogation of the applicant is not required.

5. The counsel submits that the applicant is an elderly man of 64 years of age and has been in custody for almost a year. It is further submitted that detention in custody pending completion of the trial would cause great hardship to the applicant, especially considering his advanced age.



Furthermore, it is submitted that bail is the general rule, and jail is an exception. Reliance in this regard has been placed on the Supreme Court's judgment in *Sanjay Chandra v. CBI*, (2012) 1 SCC 40.

6. *Per Contra*, Learned APP appearing on behalf of the State vehemently opposes the grant of bail as the applicant has been charged, inter alia, of offences under Sections 409/467/120B of the IPC which are serious offences. It is further submitted that the applicant misused his long employment with the respondent no. 2 to cheat him of his property.

7. Counsel appearing on behalf of the respondent no. 2 also opposes the grant of bail on the ground that the applicant had an active role to play in the fraudulent transaction and mere filing of the Chargesheet does not diminish the allegations made against the applicant.

8. Furthermore, he submits that the charges against the applicant herein are of serious nature and hence the reliance placed by the applicant on *Sanjay Chandra* (Supra) is misplaced as the charges in that case carried a maximum punishment for a term of seven years. In this regard, reliance has been placed on the judgments of the Supreme Court in *The State of Bihar v. Amit Kumar*, (2017) 13 SCC 751 and *Virupakshappa Gouda and Anr. v. State of Karnataka and Anr.*, (2017) 5 SCC 406

9. I have heard the counsels for the parties and perused the material on record.

10. It is a settled principle of law that the object of bail is to secure the presence of the accused person during the trial. The object is not to punish the accused person before the trial. In this regard, reference be made to the observations of the Supreme Court in *Sanjay Chandra* (Supra). The relevant extracts are set out herein below:-



“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, “necessity” is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.”

11. Learned counsel for the respondent no. 2 has sought to distinguish the judgment of the Supreme Court in **Sanjay Chandra** (Supra) by placing reliance on the judgments of **Amit Kumar** (Supra) and **Virupakshappa Gouda** (Supra) to submit that the charges in **Sanjay Chandra** (Supra) carried a maximum punishment for a term of seven years, whereas the charges in the present case are more serious. However, it is pertinent to note that in the present case, the charges are yet to be framed and at this stage, it cannot be conclusively stated that charges under Sections 408 or 409 of the IPC can be framed against the applicant, since he had left the employment of the respondent no. 2 in 2017, a fact which has not been rebutted by the



prosecution.

12. In respect of the present FIR, the applicant was arrested on 25<sup>th</sup> December, 2022 and hence has been in custody for almost a year. It is also a matter of record that the investigation qua the applicant is complete and that the Chargesheet has been filed.

13. In the present case, the evidence is primarily documentary in nature and already within the custody of the prosecution, therefore, there is no likelihood of the applicant tampering with the evidence or influencing the witnesses, if released on bail.

14. It is also to be noted that the trial is likely to take a long period of time, taking into account the voluminous documents and the number of witnesses to be examined. It is also pertinent to note that the applicant is an elderly man of 64 years of age and his conduct in jail has been satisfactory.

15. Considering the totality of aforesaid facts and circumstances and keeping in mind the age of the applicant and the fact that the trial is likely to take some time, the applicant cannot be kept under incarceration for an indefinite period of time. Therefore, this Court considers it fit to grant bail to the applicant.

16. For the forgoing reasons, the application is allowed and the applicant is directed to be released on furnishing a personal bond in the sum of Rs. 50,000/- with two sureties of the like amount subject to the satisfaction of the Trial Court and further subject to the following conditions:

- i. The applicant shall deposit his passport with the Trial Court and not leave the country without the prior permission of the Court.
- ii. The applicant shall appear before the Trial Court as and when the matter is taken up for hearing.



- iii. The applicant shall join investigation as and when called by the Investigating Officer (IO) concerned.
  - iv. The applicant shall provide his latest/fresh mobile number(s) to the IO concerned, which shall be kept in working condition at all times and shall not switch it off or change the mobile number(s) without prior intimation to the IO concerned.
  - v. The applicant shall provide his permanent address to the Trial Court. The applicant shall intimate the Court by way of an affidavit and to the IO regarding any change in her residential address.
  - vi. The applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses or tamper with the evidence of the case.
17. Needless to state that any observations made herein are purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the case.
18. Furthermore, it is made clear that the present judgment is confined to the facts and circumstances of the present applicant and shall have no bearing on the bail applications of the other co-accused.
19. Accordingly, the application, along with all pending applications, is disposed of.

**AMIT BANSAL, J.**

**NOVEMBER 29, 2023**

rt

# Copy of F.I.R.

## FIRST INFORMATION REPORT (Under Section 154 Cr. P.C.)

1. District: CRIME BRANCH      P.S.: CRIME BRANCH  
Year: 2022  
(DELHI)  
FIR No. 0295      Date : **24.12.2022**
2. Acts      Sections - IPC 1860  
**408/409/420/467/468/471/120B**
3. Occurrence of Offence:
  - (a) Day: INTERVENING DAY      Date From:  
05.02.2022  
Date To: 23.12.2022  
Time Period:      Time From: 00:00  
hrs  
Time To: 00:00 hrs
  - (b) Information received at P.S.      Date:  
24.12.2022  
Time: 17:04 hrs
  - (c) General Diary Reference:      Entry No.  
073A  
Date /Time: 24.12.2022 17:04 hrs
4. Type of information: Written
5. Place of Occurrence:
  - (a) Direction and Distance from P.S.: N/A      Beat  
No.: 00
  - (b) Address: C-12, FRIENDS COLONY WEST,  
DELHI
  - (c) In case, outside limit of this Police Station:  
Name of the P.S.:  
District(State):
6. Complainant/Informant:
  - (a) Name: ANIL NANDA (S/O) LATE SH HP NANDA
  - (b) Date/Year of Birth: 1951      Nationally : India
  - (c) Passport No.:      Date of Issue:  
Place of Issue:

- (d) Occupation: OTHERS  
(e) Address: 12C, FRIENDS COLONY, WEST, DELHI,  
INDIA, 9810623652.

**7. Details of Known/Suspect/Unknown accused with full particulars (attach separate sheet if necessary):**

8. Reasons for delay in reporting by the complainant/  
informant:  
NO DELAY

9. Particulars of Properties stolen/involved (attach  
separate sheet, if necessary)

Sl. No.	Property Type (Description)	Est. Value (Rs.)
---------	-----------------------------	------------------

10. Total value of property stolen:

11. Inquest Report/U.D. Case No., if any:

12. F.I.R. Contents (attach separate sheets, if required):

**19.12.2022**

To, The Special Commissioner of Police,  
Crime Branch, Delhi Police, New Delhi

Subject: Complaint against inter-state Land/Property  
Grabbing Mafia/Gang and is serial conmen Awaneesh  
Chandra Jha/Tantrik/Guruji and other accused persons  
having many FIRs filed against him (in Delhi, Haryana and  
Nagaland of same Modus Operandi) for forgery, fabrication  
of documents, criminal misappropriation, cheating etc.

Details of accused persons: -

Accused No. 1- Awaneesh Chandra Jha



(9319026385 / 9650775679)

Accused No. 2- Mr. Majid (CA) (8860329226)

Accused No. 3- Dhamender Singh (9654023410)

Accused No. 4- PSO Ashok (9402128315)

Accused No. 5- Vivek (9818880800)

Accused No. 6- PSO Kannu (7838440246)

Accused No.7- Radha Krishna

(Secretary of the Complainant) (9873575660)

and other unknown persons

for Cheating, Forgery, Trespassing, Mis-appropriation of Funds, Abduction, Extortion, Wrongful Confinement, Wrongful Restraint, Administering Drugs and Other Stupefying Substances, Criminal Conspiracy and other offences under the Indian Penal Code or any-other applicable law in India.

- 1 . The Complainant has been a victim of a large-scale conspiracy and other criminal offences by the above named accused persons and **hFrinds Colonyas** a serious threat to my life and liberty and therefore, is praying you to grant suitable Radha Krishna protection. The grand illegal design/ conspiracy of the Accused Persons have come to light when the Accused Persons in a cleverly planned criminal conspiracy first cheated the Complainant in making him part away with valuable property, and thereafter took the possession of the said property by putting fear of arrest and harassment in the mind of the complainant and then got him arrested in a cleverly planned manner in order to grab the

complainant's property. That the accused persons especially the Accused No. 1 are part of a Big Land Grabbing Mafia which also includes various other persons holding or have held high positions in the past. The nexus between these persons must thoroughly be investigated.

- 2 The Accused Persons are dangerous criminals/masterminds who have a modus operandi of targeting vulnerable and or elderly people mostly living alone and thus as a part of large criminal conspiracy and manner cheat and usurp their properties or hard-earned money. The Accused Persons have cheated several people like the Complainant and have links with Crime Syndicates such as Chandraswami gang, Dawood Ibrahim and Abu Salem Gang etc. The Accused No. 1 claimed to have connections with Retired High Court Judge (Then sitting), IRS etc. That the aforesaid gang members used to refer him as "Guruji".
- 3 In the year 2016, the Complainant met the Accused No. 1 for the first time when Complainant was in judicial custody in Tihar and was arrested based on false criminal cases filed against Complainant by Apogee Enterprises Ltd. The Accused No. 1 claimed himself to be a "tantrik" and an astrologer/self-styled God man and represented that he is a qualified lawyer and has extremely good "connections" in the judiciary, bureaucrats as well as highly placed government officials. In view of the above, Complainant shared some details of pending litigation by other third parties with Accused No. 1.

- 4 . In the year 2020-2021, the litigations by third parties increased and some more false criminal cases were filed against the complainant including cancellation of bail of the complainant in the matter pending since 2016. Also, during this time the Complainant was cheated by one Hyderabad based businessman namely Sreedhar Rao and his affiliates resulting in a situation wherein the Complainant was in a very vulnerable state. The financial health and well-being of the Complainant became worse than ever. The said condition of the Complainant was exploited very cleverly by the Accused Persons to defraud, cheat and ruin the Complainant.
  
5. In the month of February, 2022 through some common people, the Accused No.1 re-surfaced and won trust of the Complainant on the pretext that Accused No. 1 will help Complainant in resolving pending litigations against him. Further, the Accused No. 1 claimed that he was now running a Law Firm under the name and style of Jha & Gaur Law Offices located at G 37, Green Park, New Delhi (along with the daughter of a Retired Delhi High Court Judge wherein he was a senior partner as per the website shown). The Accused Persons acting through the Accused No. 1 made the Complainant believe that the Accused No. 1 will incur all expenses and use his expertise to make sure that assets of the complainant (which are stuck in third party litigation against the complainant) including the sole residential property of the Complainant i.e. 12 C Friends Colony West,

New Delhi-110065 ('said property') are free from encumbrance and can be sold at good prices. The Accused No. 1 further made the complainant believe that once the complainant's assets are free from any encumbrances and stay/injunction from any Court of law, then the Accused No.1 and other accused persons shall help the Complainant sell his properties at good market prices and accordingly, charge Complainant a commission after reimbursing all expenses incurred by the Accused No. 1 in the meantime.

6. Further, in order to induce, cheat and win the complainant's trust, the Accused No. 1 made the Complainant speak with one person namely Dheeraj Garg (over WhatsApp audio and video calls) who is an IRS Officer posted in Haryana and close associate/ business partner of Accused No. 1, who also assured the Complainant that "Accused No.1 /Guruji" will help the complainant in sorting out all his pending issues including legal matters and that the complainant should do as the Accused No. 1 says. 7. 05.02.2022 onwards, the Accused No. 1 started visiting my house i.e. 12- C Friends Colony West New Delhi on the pretext of wanting to help and advise the Complainant on all pending litigations. Accused No. 1 also started financially helping the Complainant under the pretext that the accounts can always be settled later once the properties are sold and that the complainant's life and property was in danger therefore swift action was required. Moreover, the Accused No. 1 offered to pay the electricity bill and other day to day expenses including the wages of staff members of the Complainant

who have been working with the Complainant for the past several decades/years.

8. The Complainant told the Accused No. 1 about Sreedhar Rao, Murali and other accused persons. The Complainant informed the Accused No. 1 as to how Sreedhar Rao and their affiliates cheated the Complainant of almost 13 Crores by first making the Complainant sell his house in London and thereafter convincing him to transfer the said money received in consideration to Sreedhar Rao, his son Murali and Rajnish Handa.

*Further, the Complainant also told the Accused No. 1 as to how original share certificates of the Company i.e. Joint Investment Private Ltd, and several other companies and original title deeds of the property of 12-C were taken by Sreedhar Rao under false pretexts.*

9. The Accused No. 1 to 4 thereafter in a cleverly planned criminal conspiracy and in order to cheat the Complainant made him believe that the Complainant will lose his companies and his house anytime unless he does what these accused persons tell him, the Complainant will be out on the streets and arrested in pending litigations filed by third parties. Further, the Accused No. 1 repeatedly kept insisting that the Complainant has made blunders and might lose his sole residential property i.e. 12-C, Friends Colony West, New Delhi anytime now. The Complainant got very scared since this is the only residential property he had.

10 . Further, the Accused No. 1 showed the Complainant certain cases which he claimed to have solved having similar issues as the complainant herein. These cases were claimed to have been filed against some other unknown persons some of them being

- (i) Ms. Disha Garg, R/o of Unknown,
- (ii) Ms. Poonam Garg R/o of Unknown and
- (iii) Ms. Neeraj Gupta R/o Karol Bagh (Mobile No.+91-9911084107) whose property litigation was handled the Accused No. 1 and was further granted relief. However, shockingly it has now come to the knowledge of the complainant that the said lady Ms. Neeraj Gupta has been cheated using the same modus operandi by the Accused No. 1 and her property at Lajpat Nagar- a residential house has been illegally grabbed by the Accused No. 1 and other accused persons.

11. The Complainant was repeatedly told he did not have sufficient and good legal representation and therefore was told that the Accused No. 1 will be engaging lawyers who would be appearing on behalf of the Complainant. Further, the Accused No. 1 repeatedly represented that he knows a number of lawyers and that the complainant does not have to stress about these things. Hence the complainant shared all records with the accused persons.

12. In order to win the trust of the Complainant, the Accused No. 1 offered all support and help in filling a criminal complaint against Sreedhar Rao and Others. Thereafter, the Complainant was extended help by the Accused No. 1 in seeking registration of FIR against Sreedhar, Rajnish Handa and affiliates. That on around March, 2022, the Accused No. 1 shared a copy of an FIR bearing No. 49/2022 registered by EOW, Delhi against Sreedhar Rao and other accused persons with the Complainant. This is how the Accused No. 1 to 4 and 6 were able to further win the trust of the Complainant completely. Copy of the FIR bearing No. 49/2022 is filed along with the present complaint.
13. The Accused No. 1 offered to help the complainant in a third party litigation filed by Laxmi Sethia Walia pending in Gurgaon District Courts. Furthermore, Accused No. 1 won the trust of the Complainant by giving a sum of Rs 50,00,000/- (Fifty Lakhs Only) and 5,00,000/- (Five Lakhs in Cash) as part payment towards (which can be verified from the Complainant Laxmi Sethi Walia, her husband and lawyer who were dealing with the Accused No.1 regarding the purported case) the dues and repeatedly told the Complainant that he need not worry regarding this matter as Accused No. 1 would settle it soon. Further, he said he would be settling with them soon and moreover was in the process negotiating a comprehensive settlement with them.
14. This is how the Accused No. 1 was able to completely win trust of the Complainant. The Complainant in the fear of

losing his house and with an understanding that the Accused No. 1 shall help him save and get out of the legal/complicated issues with third parties and that upon the same being achieved, the Complainant will sell his house at a reasonable price and give a certain percentage to the Accused No. 1 along with all expenses that may be incurred by him during this period.

15. The Accused No. 1 as a part of a well thought of conspiracy firstly took over the medical well-being /records of the Complainant and ensured that the *Complainant's treatment was being handled by doctors known to the Accused Persons* including Accused No. 1. This is how Accused No. 1 took active control of the all such medicines which were being administered to the Complainant. Further the Accused No.1 claiming himself to be "Tantrik /Self Styled Godman" told Complainant that if the complainant takes these new medicines, he will be completely cured of all the diseases. The Accused No. 1 used to regularly send some pandits over to the house of the complainant on the pretext that the house needs cleansing and pooja. The accused persons started administering Complainant drugs and stupefying substances with which Complainant used to be senseless and unmindful all the time and not able to understand what was really happening.
16. That after taking advantage of the said condition of the Complainant, the accused persons made Complainant sign on various documents and court papers without



Complainant's consent and knowledge. Further, the Accused Persons acting through No, 1, 3 and 4 would carry medicines/pills without prescription and moreover without any cover/packaging and administer the same to the complainant.

17. The Complainant was told that some petitions and applications were to be urgently filed before different courts of law including Delhi High Court pertaining to the said company i.e. JIPL which owned several immovable properties including Complainant's house at Friends Colony West, The Accused No. 1 got some blank pages and documents signed from Complainant citing that the same were needed urgently for filing various petitions before Hon'ble Delhi High Court to save complainant's properties. The Accused No. 1 repeatedly told the Complainant would have to follow Accused No. 1's advice if the Complainant wants to save his properties. In this manner, the Accused No.1 took control over the complainant. Further, the Accused No. 1 at this point of time *represented that the Complainant will have to make statements to the effect that third party rights have been created in favor of Accused No. 1* in all assets such as properties and shares owned by Complainant in various litigations which would demoralize the third parties such as Appogee Enterprises and Sreedhar Rao and moreover help the Accused No. 1 to settle all matters at the terms indicated by the Complainant.

18. Further, the Complainant was very systematically cut off from all his friends, trusted servants as well as advisors and lawyers on the pretext that the Complainant cannot trust anyone as Sreedhar Rao was keeping a tab on the Complainant through such people.
  
19. Accordingly, around mid of March, the Accused No. 1 informed the Complainant that Sreedhar Rao and Nikhil Nanda have joined hands and are planning to take away the properties of the Complainant. Accordingly, the Complainant was asked to *present himself before a Hon'ble Delhi High Court to record his statement to say that the Complainant had entered into an Agreement to Sell with the Accused No. 1 in relation to the aforesaid Friends Colony Property.* The Complainant was told repeatedly by the Accused No. 1 to 3 that the only way the Complainant can save his house is if he gives a statement in Court the said the Complainant had entered into an Agreement to Sell with the Accused No. 1 for sale of aforesaid property moreover that the Complainant had received a consideration to the tune of Rs. 38 Crores and that he had handed over the possession of the aforesaid property to the Accused No. 1. The complainant continued to stay in the said property even after the purported statement till wrongfully induced to shift to hotels in May, 2022 which proves that possession of the said property was never handed over by the complainant.
  
20. No such money i.e. 38 Crores was ever paid by the Accused No. 1 or received by the Complainant. The Complainant was

thereafter taken on 2-3 occasions to the Hon'ble Delhi High Court on the grounds that his submissions and undertaking would pressurize the third parties and help the Accused No. 1 to settle matters with such parties and therefore he was tricked/coaxed into giving such statements in the favor of the Accused No. 1.

21. The Accused No. 1 said that there is no transfer as the Complainant did not get any consideration for the same and was done only to demoralize Apogee Enterprises and Sreedhar Rao so that they shall settle with the Complainant. By doing so third parties who are after complainant's house will back off. This is how on two separate occasions the Complainant was made to make a false statement before the Hon'ble High Court of Delhi under fear, threat and cheated as well as being misguided. No sale deed was ever executed between the Complainant through its Company and the Accused No. 1.
22. The entire basis of this undertaking was a fraudulent and false narrative given to the Complainant to plead that third party rights have been created so that the sole residential house of the Complainant can somehow be saved from these other people.
23. It was only in April 2022, the Accused No. 1 came to know that the that there were stay orders operating against the said properties and therefore the said property could not be sold.

Moreover, the Accused No. 1 was not in a position to enter into a sale deed as a substantial amount of money would be required to pay stamp duty which was outside the reach of the Accused No. 1.

This is how the *Accused persons induced the Complainant to enter into "on paper" transactions of shares in JIPL and other companies and transfer the same to the Accused No. 1* . Accordingly, the said accused persons got some documents signed by the Complainant in this regard however no consideration was ever paid to the Complainant which is a matter of record. Moreover, the complainant was induced into believing these companies are family-owned companies and all these changes will be reversed seeking their help once all third parties are discouraged and settled.

24. The complainant was repeatedly told that Sreedhar Rao may misuse the blank documents obtained by him from the complainant and that he needs to move fast without allowing him any time to think.

The Complainant was cheated and told that the said purported transfer was not legal and was without consideration and the same was only done on paper which would be reversed once there is no threat to the assets of the Complainant as the Company is a family-owned Company only.

25. It is only later, that the complaint got to know that the aforesaid transfer of shares was done in criminal conspiracy hatched between Accused No. 1, 2 and 7 and illegally shown

back dated i.e. when the Complainant had not even met the Accused Persons 1, 2 and 3. This was done by the Accused Persons by forging documents i.e. misusing the digital signature of the complainant and as well as documents signed by the Complainant have been misused as a part of a carefully planned criminal conspiracy to take away properties and shares belonging to the complainant.

26. The digital signatures of the complainant were entrusted to Accused No. 7/ Radha Krishna, who was earlier a secretary to the complainant for 30 years and had complete knowledge of the Complainant's vital information shareholding patterns, important original documents, sensitive passwords and other such information were in his possession.

The Accused No.7 in criminal conspiracy with the other Accused Persons illegally leaked and shared all the Complainant's vital information which were entrusted upon him by the Complainant such as Digital Signatures, Banking Details, Share Certificates etc. with them in order to give shape to their nefarious designs as well as fabrication and forging of vital documents, deeds etc.

27. There are multiple discrepancies in the documents filed with MCA in furtherance to the illegal design and criminal conspiracy by the Accused Persons. The complainant has been cheated by forging and fabricating important documents by not only misusing the blank signed

documents but also the digital signatures of the complainant have been misused.

i. Following discrepancies are observed in the chronology of events with respect to the Annual Return for the year ended 31-Mar-2021.

a) That Sreedhar Rao and other accused persons in order to grab the Companies owning considerable property got the complainant illegal removed from Directorship on 21.08.2021 by misusing blank signed obtained by him as mentioned in the FIR 49/2022 (which only later came to the knowledge of the Complainant in March, 2022 and was informed to him by Accused No.1). Moreover, several nominees/persons (Duggirala Neelima, Raja Duggirala Rao, Durga Prasad Rajavarapu, Murthuja Vali Khateeb) were illegally brought on board and appointed as Directors. As far as the complainant is concerned, he was-under the bona fide intention that he continues to be a director since 2002 as the sole residential premise of the complainant is the company property.

b) Under the garb of helping the complainant to save his property, Accused No. 1 to 4 induced the Complainant to believe that his directorship will be restored by filing legal cases and urgent orders being granted and that Accused No. 1 will also be a director to ensure that all management and

*running around can be done on the Complainant's behalf.*

*Accordingly, on 26.03.2022, the Accused No. 1 showed the relevant records on his phone from the MCA website wherein the complainant and the Accused No. 1 was shown as a Director and that how other nominees of Sreedhar Rao were removed.*

This is how the Accused Persons were able to win the complete trust of the Complainant.

c) It has now come to light that without knowledge of the Complaint, the Complainant was removed illegally on 26.03.2022 by the Accused Persons which he only got to know now and the Accused No. 3 was also appointed. This is how the Accused No. 1 and 3 took over the directorship of JIPL. A copy of the DIR Forms have been filed with the present complaint.

d) The illegal transfer of shares by inducing and cheating the complainant has serious question on the transfer as ledger folio for the 8,200 shares was 7 but in the 'list of share transfer' for the Annual Return for the year ended 31-Mar-2021 my ledger folio was wrongly mentioned as 1. e)

The forms and documents mentioned from sr. no 7 to 9 in the table above have been executed and filed with my Digital Signature after my purported

Directorship in the Company had ended on 26<sup>th</sup> March 2022 which was misused criminal conspiracy of the Accused No. 1, 2 and 7.

f) It is pointed out that the Complainant came in contact with the Accused No. 1 in 05.02.2022 and was not in touch or met the Accused No. 1 during the year 2021 at all.

Documents have been forged and fabricated to give effect to the illegal design of the Accused Persons.

It is also important to note that no consideration was paid by the Accused No. 1 directly or indirectly for the said transfer of shares.

28. The above illegal act was done with the active help of Accused No. 2 who claimed himself to be an *Expert In Company Law Portals And Would Do Regular Filings Of The Accused No. 1.*

29. All this while, all advocates for both the sides who represented Complainant in Courts where undertakings have been given were in-fact hired by Accused No. 1 and were part of the Accused No.1's team. Complainant was made to sign several Blank cheques and blank papers. The Complainant has never met and/or interacted with any of these lawyers and furthermore, Complainant has never contacted the said Advocates representing him.



A copy of the Order dated 07.03.2022 shows that one Mr. Shreyans Jain has appeared for the complainant while he was on the pay rolls of the Accused No. 1 and used to work in the law firm managed by the Accused No. 1. A copy of the Order dated 20.10.2022 in which one Mr. Avinash Upadhyay has appeared for the complainant while he was on the pay rolls of the Accused No. 1 and used to work in the law firm managed by the Accused No. 1. A copy of the Order dated 21.07.2022 in which Mr. Avinash Upadhyay has appeared for the complainant while he was on the pay rolls of the Accused No. 1 and used to work in the law firm managed by the Accused No. 1. A copy of the Order dated 13.10.2022 in which Mr. Avinash Upadhyay has appeared for the complainant while he was on the pay rolls of the Accused No. 1 and used to work in the law firm managed by the Accused No. 1. A copy of the Order dated 12.09.2022 in which Mr. Avinash Upadhyay has appeared for the complainant while he was on the pay rolls of the Accused No. 1 and used to work in the law firm managed by the Accused No. 1. A copy of the Order dated 02.09.2022 in which Mr. Avinash Upadhyay has appeared for the complainant while he was on the pay rolls of the Accused No. 1 and used to work in the law firm managed by the Accused No. 1. A copy of the Order dated 25.03.2022 wherein one Ashok Tobria has appeared for the complainant who was also engaged by the Accused No. 1. A copy of the Order dated

23.09.2022 wherein one P.K. Jain has appeared for the complainant who was also engaged by the Accused No. 1. Despite the interim order of bail being granted, the order was neither complied with nor was the complainant informed about the same.

It was only later when the sister became aware of the order that the subsequent lawyers complied with the conditions in order to get the complainant released on 01.11.2022. The said lawyers have also appeared in other third- party litigations with the Accused No.1. The same set of lawyers are appearing for different parties in matters involving Accused No. 1 in the Hon'ble Delhi High Court.

The Accused Persons along with unknown persons have misused these blank papers signed by the complainant and also forged several documents as a part of their grand illegal conspiracy. While all these high court proceedings are under challenge, what has to be noted that the Accused No. 1 in order to further cheat the complainant and avoid any claims from Sreedhar Saranala ( any claims by Sreedhar Sarnala though being illegal and denied) and other accused persons, forged and fabricated a Settlement Agreement dated 13.08.2021 (copy attached in a petition filed by Rajnish Handa on 15.12.2022) to somehow show disputes with Sreedhar have been settled and that there is no encumbrance on JIPL for

Ludhiana Lands owned by the Company. That the signatures obtained on blank papers (taken by the Accused No. 1) have been used to make forged and fabricated documents as well as to show Settlement Agreements.

30. Over the period, the Accused No.1 took over the legal cases and administrative issues going on with Sreedhar Rao and third party. In order to fight with third party Accused No. 1 got a number of blank papers signed by the Complainant. That the Complainant was never allowed to read much and would always be given false impression that some matter has been listed which is showing on the website and these papers were required for urgent filing and even otherwise due to being constantly drugged couldn't understand much.
31. In May, 2022, the Accused No. 1 reached the home of the Complainant and projected that some policeman by the name of Naresh, ASI Gurgaon Police had come to arrest the Complainant and this must be Sreedhar Rao and other third influential parties wanting to get the Complainant arrested in order to achieve their illegal motives. The Accused No. 1 was aware that the Complainant had been arrested in false cases previously and owing to his old age, the Complainant was extremely scared of being arrested and implicated falsely.

The Accused No. 1 called upon the Complainant to immediately leave the house from the backdoor to ensure that he is not arrested as there was police at the front gate of the house.

The Complainant immediately left the house and was called to return only later and was told that the Accused No. 1 had bribed him a large amount of money to not arrest the Complainant and that said Police officer would be visiting the Accused No. 1 at his office at Green Park to ensure that the Complainant is not arrested even in future.

32. Once the complainant returned after sometime, the Accused No. 1, 3 and 4 told the Complainant that in order to avoid any such situation and get arrested, the Complainant was advised to immediately leave the house for a few days till the time the Accused Person No. 1 has settled the Complainant's issues with Sreedhar Rao, Apogeee Enterprises and other third parties. That the said move was cleverly by the Accused Persons to oust the complainant from his sole residential premise.
33. The Complainant along with one employee/care taker namely D Lohrii was then taken to Hotel Jaypee Vasant Continental, Vasant Kunj. The Complainant resided there for approximately 75 days under threat

and duress from the accused persons and was shifted to various hotels on the pretext that this was in the interest of the complainant. *That all these 75 days, the accused persons kept administering medicines and drugs which used to make Complainant senseless and unmindful of things happening around.*

**The Accused No. 1, 3 and 4** would regularly visit the complainant at hotel Vasant Continental, Vasant Kunj. The complainant was shifted to various hotels such as the Grand, Vasant Kunj, Golden Tulip Gurgaon and Pride Plaza, Delhi.

34. The Accused Person No. 3 and 4 would often visit the Complainant and his care taker D Lohrii and would make payments in cash for all the expenses regarding food and lodging expenses to be incurred. During this time, the Accused No. 1 used to get (incomplete) papers signed on the road side near the hotel on the bonnet of the car at Night.
35. Further, the Accused No. 1 throughout used to insult and threaten Complainant's care taker by racial/derogatory names. An FIR has been registered at the Police Station Friends Colony on a complaint being filed by the caretaker of the Complainant Mr. D Lohrii which has been attached.

36. That the Complainant thereafter during this period was shifted to various hotels and lodging spaces on the ground that negotiation with third parties including Sreedhar Rao and Nikhil Nanda were underway and since they are at a crucial stage, the Complainant should not return to his house at 12 C Friends Colony West or remain in contact either through his mobile phone or through social media with anyone apart from the accused persons so that there is no apprehension of arrest by authorities. That all this while, the Accused Persons kept filing frivolous petitions in Delhi High Court etc. thus falsely claiming their ownership in the above said property.
37. During the aforesaid several months, the Accused Persons kept the fear of police and arrest in the mind of the Complainant and caretaker which helped Accused Persons cheat, induce and manipulate the Complainant at all times. Moreover, the Complainant's phone was forcibly taken away and he was told to not contact anyone as the Complainant's location may get traced. Further, this can be verified from the fact that complainant used Accused No. 1 phone to make important phone calls once in a while using the Accused No. 1's phone when the Accused No. 1 used to visit the complainant or the complainant used to go meet the Accused No. 1 at his office in Green Park.

38. In the month of July, 2022, the complainant was made to believe that all disputes with Nikhil Nanda etc. were settled and that an agreement for settlement was signed. When the Complainant tried to read and understand the terms of the said agreement, the Accused No. 1 kept repeating that the said will be explained by him later and that he should immediately leave his office premises as Nikhil Nanda was still capable of getting him arrested till Complainant's statement recording acceptance of agreement was given in Court of law. An agreement was signed at Green Park office of the Accused No.1 where a photograph was also taken of the complainant and immediately left the office of the Accused No.1 from the back gate and then was brought back to office in sometime.
39. The Complainant on 10<sup>th</sup> July, 2022 met the Accused No. 1 and Rajnish Handa, on the pretext that all issues will be shortly settled with Rajnish Handa in relation to FIR 49/2022 and that he is ready to settle the matter with the complainant considering the old association. Moreover, the Complainant was made to believe that all such settlement amounts around Rs. 5,50,00,000/- apart from Rs. 50,00,000/- are being transferred in companies (Joint Investment Pvt. Ltd and AN Enterprises Ltd) which will be used to settle Nikhil Nanda and his disputes.

Further, the sum of Rs. 50,00,000/- which was transferred by Rajnish Handa, on: 11.07.2022, to the account of the complainant was further transferred on 12.07.2022 by the Accused No. 1 to another shell company owned and controlled by the Accused No. 1 namely M/s Saw Fusion Solution Pvt Ltd on the pretext that the complainant should not have any balance in his account. The complainant was made to believe that the said money shall be used by the Accused persons to settle third party litigations such as Nikhil Nanda/ Apogee etc. and Laxmi Devi Sethia and agreement was also signed between Anil Nanda and Rajnish Handa at office of the Accused No. 1 located at Green Park, New Delhi.

40. That on or around in August, 2022 the Complainant was extremely unwell and requested the hotel staff to call a doctor on call. The Accused Person No. 1 getting to know from the care taker that, an outside person had come to visit the complainant, Accused No. 1 lost his temper. Thereafter, said doctor then advised that the Complainant must immediately be taken to a specialized hospital keeping in mind his age and must be treated in a good hospital.
41. The Complainant thereafter was taken to a small nursing home in Gurgaon where he was admitted for 3 days. Moreover, the care-taker of Complainant was told to inform the relatives of the Complainant about



his medical condition however the accused No. 1 threatened the care taker with dire consequences and ensured that no family and friends of the Complainant are informed or made aware of his whereabouts. Pictures of the Complainant taken during that time by the caretaker are annexed herewith the Complaint where his condition can be seen.

42. Thereafter on 1<sup>st</sup> September 2022, the Complainant was shifted to hospital the name of Nirvaran Multispeciality Hospital wherein the Complainant was kept on high dosage of medication and was kept drugged, so that he was not in a sound disposing mind. Whenever, the Complainant and his caretaker decided to complain and reach out to friends and family, they were threatened by Accused No. 1, 3, 4 and 6 to not leave such premises and not to contact any outsider or else the Complainant will be arrested and the Accused No. 1 shall not be responsible for the same. That sometimes Complainant's caretaker and Complainant used to be lacked from outside thereby wrongfully confining and wrongfully restraining us against our wishes and without food and water.
43. After getting discharged from the hospital in Gurgaon, the Complainant was shifted to a decent hotel in Aerocity, Delhi along with the caretaker and again profusely threatened not to contact anyone or tell anything to the hotel staff. All these monies were paid

by Accused No. 1 under whose control the complainant was being treated and kept.

44. That on 09.09.2022, the Complainant was informed by the Accused Persons that in one of the matters concerning the Complainant against one Lakshmi Devi Sethia has been settled and that he was required to appear before the Court for 6 Hours and record his statement. However, when the complainant appeared he was immediately taken into custody and it was only then that the Complainant realized that the above-mentioned matter was in-fact never settled and that this was a part of cleverly planned strategy of the Accused Persons to get him arrested on 11.09.2022. It is only now later it has come to the knowledge of the Complainant that he has been cheated.

45. During the entire period when the Complainant was in Bhondsi Jail, the Complainant was regularly in touch with the *Accused No. 1 through allowed phone calls from the jail and moreover kept getting false assurances from him that some bail applications have been filed which are pending adjudication and that the same shall be allowed at the earliest maximum in another 3-5 days.* It was only later that the complainant through lawyers engaged by friends and well wishers got bail on 01.11.2022.

46. It was only on 16<sup>th</sup> of November, 2022 that the Complainant realized that he has been again conned and cheated by the Accused No. 1/Awaneesh Chandra Jha and Accused No. 5/Vivek when he came to know that the Accused Persons have prepared a forged and fake Aadhar Card in the name of the complainant with an address of a rented accommodation in Gurgaon. Further, the Complainant recalled that in the month of May, 2022 the Accused No. 1 and 5 induced him to sign on blank documents bearing stamps and heading of UIDAI (Ministry of Aadhar) in order to change his address on the Aadhar card for which the Accused No. 1 had called some person claiming to be an employee of UIDAI who took biometric and finger prints of the complainant at the office of the Accused No. 1 at Green Park. The same was done by the complainant under a false impression that this would not only help the complainant in avoiding any illegal and motivated arrest at the instance of Sreedhar Rao and other third parties who were after his properties. On being asked again, the Accused No. 1, 2 and 5 repeatedly assured the complainant that this would also be beneficial in helping the complainant in avoiding Court appearances in Delhi and Gurgaon.
47. The fact that a fake Aadhar Card of the Complainant has been prepared with a fake address bearing Flat No. 404, Plot 3P, Sai Krishna Apartment, Sector 23, Gurugram, Haryana can be verified from the owners

of the said property who have neither given any address authorization to the complainant for using the said address to be shown as residential address of the complainant neither any police verification form was signed by the complainant. The Complainant has never visited that said premises nor stayed there and or paid rent or any-other charges etc. as the complainant was illegally made to stay and shift regularly in various hotels mentioned above.

48. This was a part of grand illegal design hatched by the Accused No. 1, 2 and 5 and other accused persons to wrongfully show that the Complainant has not been residing at 12 C Friends Colony West. Further, the said address was submitted in various judicial proceedings by the Accused No. 1 as a result of which the Complainant has never received these vital and important notices, summons in various litigation and remained uninformed of various litigations.
49. This was done with a sole objective of getting the Complainant wrongly arrested in the criminal proceedings before the Gurugram District Court in order to usurp the belonging of the Complainants including the aforesaid house, other properties and the Land at Ludhiana etc. which is in the name of Joint Investment Pvt Ltd. Further, the Accused No. 1 tried to illegally sell the land at Ludhiana but could not sell the same.

50. After being released from the jail, the Accused No. 1 threatened the Complainant of dire consequences and said that if the complainant ever tried to contact him or enter the said premises i.e. 12C- Friends Colony, West, New Delhi then the Accused No. 1 will get the Complainant killed and or seriously injured by his paid goons and bouncers who are deployed at the gate of the said premises. The Complainant has been cheated of his hard-earned money, property and lost his sole domicile in India. He has now nowhere else to go and is staying in hotels while taking appropriate steps available under law.

51. The cheating is apparent from the very fact *that aforesaid Friends Colony Property as well as all shares of the companies owned, managed and controlled by the complainant (worth several crores) are claimed to be now owned by the Accused No. 1-7,*

however no such consideration has ever been paid by the Accused No. 1. Further, the Accused persons have been trying to illegally sell off the properties belonging to JIPL, AN Enterprises, Escorts Farms, Hari Raj Investments etc. including lands at Ludhiana belonging to JIPL.

That the complainant has nowhere to go and Complainant's friends have helped him get a hotel to stay in.

All my expensive valuables, family/ancestral jewellery and other expensive materials have been stolen and have been disposed of by the Accused Persons.

The complainant continued to be in possession of the afore-said house even after 25.03.2022 and was induced/cheated to shift to hotels in May, 2022.

No such possession was handed over and all of the complainant's dogs, belonging, valuables etc. are still lying inside the said house.

Even the servants and domestic staff was also at the aforesaid premises till illegally removed in August-September, 2022.

The guards /goons at the property are now illegally stopping the complainant from entering the said house.

52. Therefore, the Complainant most humbly prays that an FIR may kindly be registered against all the above named accused persons under the appropriate sections of Indian Penal Code and other such laws applicable to carry out a detailed investigation in the present matter. Therefore, it is my humble request that authorities should immediately help me to get justice.

List of Documents which have been cited in the complaint are mentioned below:

1. Photographs of Complainant while in hospital and in drugged state.

2. Copies of the various FIRs filed against the Accused No. 1.
3. The Complainant's fake and fabricated Aadhar Card.
4. Bank Statement of the complainant as on July, 2022.
5. Copy of the Orders mentioned-in the complaint where lawyers working with Accused No. 1 have appeared for the complainant.
6. Copies of the DIRs

The complainant is an unmarried 70-year-old senior citizen having multiple health issues whose sole residential premise has been illegally taken away. Therefore, the complainant requests that the serious matter is investigated by Delhi Police, Crime Branch and early action is taken so that the complainant can get justice.

Regards,

Sd/English

Anil Nanda S/o Late Sh. H.P. Nanda

Ex Vice Chairman-Escorts Group

R/o 12C, Friends Colony West New Delhi - 110065

+91-9810623652/+91-7005857629

**Date: 19.12.2022**

New Delhi

To,

The Duty Officer, PS Crime Branch

A complaint of Sh. Anil Nanda s/o Late Sh. H.P. Nanda Ex vice Chairman- Escorts Group R/o 12C, Friends colony West, Delhi, was received at WR-II, Crime Branch Dwarka Sector-9 New Delhi vide Dy.No.51-C, dt. 19.12.2022 against Awaneesh Chandra Jha and others. The same was marked to the under-signed for enquiry. As per the content of the

complaint, material on record and enquiry conducted so far, prima facie offences u/s 408/409/420/467/468/471/ 120B IPC are made out against the accused Awaneesh Chandra Jha and others.

*Thus, an FIR u/s 408/409/420/ 467/468/471/120B IPC be registered and investigation be handed over to the under-signed.*

The FIR is to be kept sensitive. This has the approval of Senior Officers.

The complaint is being sent through ASI Ravinder No. 6166/RD, PIS No. 28081756 for registration of FIR.

Date and time of offence:- February, 2022 onwards

Place of Offence:- C-12, Friends Colony West, Delhi.

Date and time of sending rukka:- 24.12.2022 at 02:30PM

**Sd/English 24.12.2022**

SI Ravinder Singh, No. D-828 PIS No.28063036 WR-II,  
Crime Branch Dwarka Sector-9, New Delhi.

The proceedings of police station- the fir is recorded in the police station on the CCTNS computer on the basis of abovementioned Copy of the writing. After recording the copy of FIR and original writing has been handed over to the ASI Ravinder NO 6166/RD. this copy of FIR and original writing which has been handed over to the ASI Ravinder NO 6166/RD shall be handed over to SI Ravinder Singh No. D-828 PIS No. 28063036 DR-II/Crime Branch, Dwarka Sector-9, Delhi, who will investigate this F.I.R. according o the order of the senior officers. Copy of this F.I.R. shall be sent to Higher Officers by post.



Written by DO.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at item No.2:

(i) Registered the case and took up the investigation:

OR

(ii) Directed (Name of the I.O.): RAVINDER SINGH  
Rank: SI (SUB-INSPECTOR)  
No. 28063036 to take up the  
investigation OR

(iii) Refused investigation due to  
OR

(iv) Transferred to P.S:  
District:

on point of jurisdiction.

F.I.R. read over to the Complainant/Informant, admitted to be correctly recorded and a copy given to the Complainant/ Informant free of cost.

R.O.A.C.

14. Signature/Thumb Impression Signature of the Officer of the Complainant/Informant: Name: SACHIN DABAS

Rank: SI (SUB-INSPECTOR)  
No.: 16140243

15. Date and time of despatch to the Court:

Dated- 24.12.2022

//TRUE COPY//

*[Handwritten mark]*