



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Seventh day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.15903 of 2015

1 SIVASAKTHIVEL GOUNDER
2 CHELLAMUTHU
3 RAMASAMY
4 SAKTHIVEL
5 VEERACHAMY
6 NAVAS

... PETITIONERS ACCUSED
(RANK NOT KNOWN)

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
ODDANACHATHIRAM POLICE STATION,
DINDIGUL DISTRICT.
(IN CRL.NO. 317 OF 2015)

... RESPONDENT/ COMPLAINANT

N.NIYAMATH ALI

... PETITIONER/INTERVENER

For Petitioner : Mr.V.CHANDRASEKAR Advocate

For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)

For Intervener : Mr.R.SURESH KUMAR, Advocate

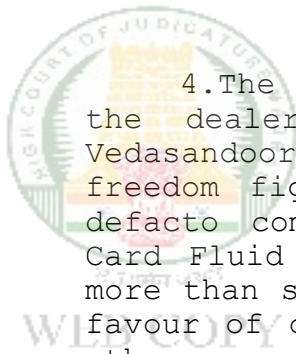
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 506(ii), 406 and 420 of IPC, in Crime No.317 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioners fabricated the documents as though executed by the defacto complainant and misused the General Power of Attorney executed by the defacto complainant appointing A2 as agent and misappropriated the amount in respect of the petrol bunk belonging to the defacto complainant and cheated him. Therefore, the case has been registered for the above said offences.

<https://hcservices.court.gov.in/hcservices/> The case of the petitioners is that they are innocent persons and they have not created any documents and they have not committed any offence as alleged by the prosecution.



4.The learned counsel for the intervenor submitted that originally the dealership in the distribution of the petroleum products at Vendasandoor Road, Dindigul District was given to his mother, she is the freedom fighter and after her death, the same was transferred to the defacto complainant. The defacto complainant was affected with Spinal Cord Fluid disease and admitted in the hospital and took treatment for more than six months. Therefore, he has executed the power of attorney in favour of one Ramasamy, S/o.Sivasakthivel, who is A2, colluded with the other accused and misappropriated the amount by creating documents. The petitioners have also created the documents as though the defacto complainant agreed to transfer the agency to them. The complaint given by the petitioner was enquired into and the same was closed as 'mistake of fact'. The dealership for distribution of petroleum products was granted to the defacto complainant was cancelled due to irregularities and illegality committed by the petitioners, due to which, the defacto complainant suffered very loss.

5.The learned Government Advocate (Crl.side) submitted that the petitioners have created forged documents and misappropriated the amount and due to that, the dealership in the distribution of petroleum products of the defacto complainant was cancelled and the investigation is pending.

6.The charges against the petitioners are that they misused the power of attorney executed by the defacto complainant appointing A2 as his agent and created the document as though the defacto complainant agreed to transfer the dealership to them.

7.In view of the serious charges levelled against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-
27/11/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE,
ODDANACHATHIRAM POLICE STATION, DINDIGUL DIST.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.SURESH KUMAR, Advocate SR.No.68254

ORDER
IN
CRL OP(MD) No.15903 of 2015
Date :27/11/2015