



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

Tuesday, the Third day of November Two Thousand Fifteen

PRESENT

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

CRL OP (MD) Nos.18225 and 18275 of 2015

V.SEENIVASAN

..PETITIONER/ACCUSED (RANK NOT KNOWN)
in CRL OP (MD) No.18225 of 2015

S.NANTHINI

..PETITIONER/ACCUSED (RANK NOT KNOWN)
in CRL OP (MD) No.18275 of 2015

Vs.

STATE REP.BY ITS
THE INSEPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION (CRIME)
VIRUDHUNAGR DISTRICT.
(CRIME NO. NOT KNOWN OF 2015)

... RESPONDENT/COMPLAINANT
In Both the Petitions

For Petitioner
in Both the Petitions : M/S.S.RAMASAMY Advocate

For Respondent
in Both the Petitions : MR.K.ANBARASAN,
Govt. Advocate (Crl. Side)

For Intervenor
in Both the Petitions : MR.BABU RAJENDRAN, Advocate

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.730 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the complaint was given by one Seethalakshmi on 15.09.2015 stating that there was a dispute between her and the petitioners with regard to running of Gas Agency at Aruppucottai. The petitioner in Crl.O.P (MD) No.18225 of 2015 has taken all the cheques from the Gas Agency and the defacto complaint



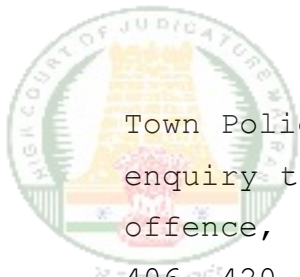
gave a complaint to the respondent police and the petitioner Seenivasan was called for an enquiry and he gave written statement to the police that there is no cheques are available with him belonging to the defacto complainant. Subsequently, he filed a private complaint before the learned Judicial Magistrate No.I, Kovilpatti against the defacto complainant for an offence under Section 138 of Negotiable Instruments Act in C.C.Nos.245 and 245 of 2015.

3.The case of the petitioners is that there is a dispute between the petitioners and the defacto complainant with regard to running of Gas Agency and therefore, the defacto complainant has given a false complaint.

4.The respondent police has filed a counter affidavit stating that the defacto complainant preferred a complaint on 16.09.2015 stating that her husband, who was working in the Central Reserve Police Force was killed in the year 1994 during guerrilla attack by Terrorists and she being a widow was given licence on priority by the INDANE to run a Gas Agency for her succour and that she is running a Gas Agency by name Sri Siddarth Gas in S.No.583/7B and the accused, who is a known person, who is running a gas agency at Ettayapuram in the name of Thirupathi Gas Agency. In view of the business relationship with the said person, she entrusted with several blank signed cheques for the purpose of running the agency and that the defacto complainant came to know that several cheques have been encashed. Therefore, she gave a complaint against the petitioners in Cr.No.218 of 2013 under Section 4 of TNPHW Act and Cr.No.685 of 2013 under Sections 406, 420 IPC and Cr.No.189 of 2014 under Section 294(b), 323, 506(i) of IPC.

5.During the investigation in Cr.No.685 of 2013, the petitioners returned back several cheques and informed the respondent police that he has no cheques with him and gave an undertaking to the effect that he will not misuse the cheques or plain papers signed by the defacto complainant. In spite of the written undertaking, he attempted to encash four cheques of City Union Bank on 28.04.2015, 03.05.2015, 10.05.2015 and 26.05.2015 through his account in Tamil Nadu Mercantile Bank, Keelaeeral Branch and since the account with the City Union Bank was already closed, on getting the report, he

<https://hcservices.courts.gov.in/hcservices/videocourts.do> gave a complaint against him. One more case in Crime No.332/2015 under Section 406, 420, 506(i) IPC on the file of the Aruppukkottai



Town Police Station is also pending investigation. Since the petition enquiry taken up in CSR No.332/2015 disclosed prima facie cognizable offence, a case was registered in Crime No.730 of 2015 under Section 406, 420, 506(i) IPC and investigation is in progress.

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6. During the investigation in Cr.No.685 of 2013 and recording her statement under Section 163(A) from witnesses examined so-far revealed that the petitioner/accused along with his wife cheated her and also threatened the de-facto complainant.

7. The learned Government Advocate (Crl.side) submitted that only some witnesses were examined and the custodial interrogation of the petitioners is necessary for the purpose of completing the investigation.

8. Considering the facts and circumstances of the case and also considering the gravity of offence and also considering the fact, I am not inclined to grant anticipatory bail to the petitioners, hence, this petition is dismissed.

sd/-
03/11/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

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

2 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION (CRIME)
VIRUDHUNAGR DISTRICT.

+2CC to M/S.S.RAMASAMY Advocate SR.Nos.64694 and 64695
+1CC TO MR.BABU RAJENDRAN, Advocate Sr.No.64735

akm/06.11.2015 /3p-6c/

ORDER
IN
CRL OP (MD) Nos.18225 AND 18275 of 2015
Date :03/11/2015