



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

Thursday, the Third day of December Two Thousand Fifteen
PRESENT

The Hon`ble Ms Justice V.M.VELUMANI
CRL OP(MD) Nos.18719 and 18720 of 2015

1 P. ARUNKUMAR
2 SRIDEVI

... PETITIONERS/ACCUSED NOS.1&2 IN
CRL.OP (MD) NO.18719/2015

1.HARIGANESH
2.D.SRIDHARAN

... PETITIONERS/ACCUED NOS.3&4 IN
CRL.OP (MD) NO.18720/2015

Vs

STATE REP BY
THE INSEPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.498 OF 2015)

... RESPONDENT/ COMPLAINANT IN
BOTH THE PETITIONS

S.SURESH KUMAR

... INTERVENOR IN BOTH PETITIONS

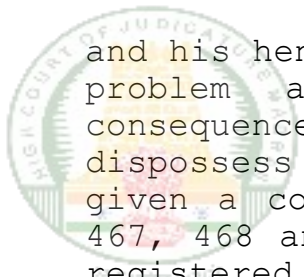
FOR PETITIONER : M/S D.SELVANAYAGAM ADVOCATE
FOR RESPONDENT : MR.K.ANBARASAN GOVT. ADVOCATE (CRL. SIDE)
IN BOTH THE PETITIONS
FOR INTERVENOR : MR.A.V.ARUN ADVOCATE (IN BOTH PETITIONS)

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.(MD)No.18719 of 2015, who are arrayed as Accused Nos.1 and 2 and the petitioners in Crl.O.P.(MD) No.18720 of 2015, who are arrayed as Accused Nos.3 and 4, apprehending arrest at the hands of the respondent police, for the alleged commission of offences punishable under Sections 420, 467, 468 and 471 of I.P.C., in Crime No.498 of 2015, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and his wife and the first petitioner in Crl.O.P.(MD) No.18719 of 2015 are the Partners in Vimal Fire Works Factory. The petitioners in Crl.O.P.(MD) No.18719 of 2015 and others created forged release deeds, dated 03.09.2014 and 21.09.2014, as though the de-facto complainant and his wife retired from the Partnership Firm and also created forged documents, as though the Partnership Firm was re-constituted. The release deeds, dated 03.09.2014 and 21.09.2014 were notarized by two different Notary Public and were presented before the District Registrar of Firms, Virudhunagar District. On 04.07.2015, the first petitioner in Crl.O.P.(MD) No.18719 of 2015



and his henchmen came to the Office of the Partnership Firm, created problem and threatened the de-facto complainant with dire consequences and tried to remove him from the Office premises and dispossess of the premises. Hence, the de-facto complainant has given a complaint for the offences punishable under Sections 420, 467, 468 and 471 of I.P.C., and based on the same, a case has been registered in Crime No.498 of 2015.

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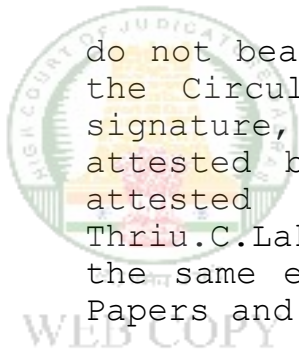
3. The case of the petitioners is that the de-facto complainant is the brother of A2. The de-facto complainant and his wife retired from the Partnership Firm and executed release deeds and the same were registered in the Office of the District Registrar of Firm, Virudhunagar District. The petitioners did not create any documents and they are innocent. They filed O.S.No.164 of 2015, for permanent injunction restraining the de-facto complainant interfering with Partnership Firm activities.

4. The petitioners in CrI.O.P.(MD) No.18720 of 2015 are only attesting witnesses and they are nothing to do with the offences as alleged by the prosecution and they are falsely implicated in this case.

5. The learned counsel for the Intervenor submitted that the petitioners and others have created forged documents, as though the de-facto complainant and his wife executed release deeds, dated 03.09.2014 and 21.09.2014 and retired from the Partnership Firm and new Partnership Firm was constituted. Even though the said release deeds alleged to have been executed by the de-facto complainant and his wife on 03.09.2014 and 21.09.2014, were notarized by two different Notary Public and the same were presented before the District Registrar of Firm, Virudhunagar District, along with constitution of new Firm, the de-facto complainant and his wife never appeared and signed before the Notary Public. The de-facto complainant is the Managing Partner and he came to know about the transactions, only when the father of the first petitioner in CrI.O.P.(MD) No.18719 of 2015 made an application to transfer Patta in the name of his son. On 04.07.2015, the petitioners and their henchmen threatened the de-facto complainant with dire consequences.

6. The learned counsel for the petitioners submitted that already this Court, by order dated 26.11.2015, granted anticipatory bail to the first petitioner in CrI.O.P.(MD)No.22341 of 2015, for the offences punishable under Sections 341, 294(b), 448, 323 and 506 (ii) of IPC, in Crime No.621 of 2015 and therefore, prayed for anticipatory bail to the petitioners.

7. The learned Government Advocate (Criminal side) filed a counter affidavit and submitted that the enquiry is in preliminary stage. The petitioners created and forged signatures of the de-facto complainant and filed documents before the District Registrar of Firm, Virudhunagar District, by giving a notice of change in the constitution of firm in Form-V under Rule 4 of the Partnership (Registration of Firms) Rules, 1932. The documents filed along with the notice are said to have been executed before the Advocate and Notary Public, Thiru.R.Baburaj of Sivakasi Town and all these deeds



do not bear the signature with necessary attestation, but only with the Circular Seal of the said Notary Public contained with his signature, which cannot be taken as a proof of the affidavit duly attested by a Notary Public. The same set of deeds were also attested by an another Advocate and Notary Public Thriu.C.Lakshmanapandian, on the same date with same witnesses and the same executants on the same serial numbered Non-Judicial Stamp Papers and with the same Stamp Vendor.

8. From the materials, it is seen that series of allegations are made against the petitioners and others for creating forged documents and the investigation is in preliminary stage and this Court, considering the fact that the victim has sustained only simple injury, by order dated 26.11.2015, in Crl.O.P.(MD) No.22341 of 2015, granted anticipatory bail to the first petitioner in Crl.O.P.(MD) No.18719 of 2015. It does not advance the case of the petitioners. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, the Criminal Original Petitions are dismissed.

sd/-
03/12/2015

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

TO

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

2.THE INSEPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+ 1 CC TO MR.D.SELVANAYAGAM, ADVOCATE IN SR NO. 69194
+ 2 CC TO MR.A.V.ARUN, ADVOCATE IN SR NO. 69446, 69447

ORDER IN
CRL OP(MD) Nos.18719
and 18720 of 2015
Date: 03/12/2015

SMN2

TE/GSV-AN/SAR-II : 08/12/2015 : 3P/6C