



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

Wednesday, the Sixth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13059 & 11032 of 2015

R. YOGAMBAL ... PETITIONER / ACCUSED (Rank Not Known)
IN CRL OP(MD)NO.13059/2015

1 S.UTHAYAN

2 P.MURUGESAN

... PETITIONER / ACCUSED (Rank Not Known)
IN CRL OP(MD)NO.11032/2015

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT, THENI.
IN CR.NO. NOT KNOWN OF 2015

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.P.GANAPATHI SUBRAMANIAN, Advocate
IN CRL OP(MD)NO.13059/2015
: M/S S.BASKAR MATHURAM, ADVOCATE
IN CRL OP(MD)NO.11032/2015

For Respondent : Mr.K.Anbarasan, Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

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

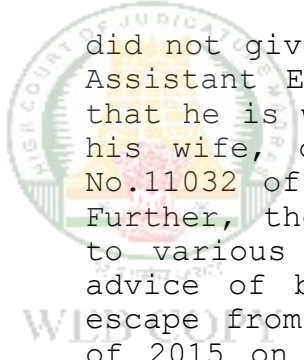
ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.(MD)Nos.13059 and 11032 of 2015, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417,420,468,471 and 506(i) of IPC and 406,417 and 420 of IPC respectively in Crime No.Not known of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution in Crl.O.P(MD).No.13059 of 2015 is that the first petitioner and defacto complainant are husband and wife and the defacto complainant's father presented 150 sovereigns of gold jewels, at the time of marriage and other "Seethana" articles. The father of the defacto complainant got licence in the name of the defacto complainant for running a Hindustan Petroleum Limited, Petrol Bulk and purchased relevant place for the same and gave it to defacto complainant. Defacto complainant's husband / first petitioner and his brother in law / second petitioner were running business. They forged the signature of the defacto complainant and borrowed monies in the name of the defacto complainant with the connivance of the Bank Manager. On the complaint a case has been registered against the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The case of the petitioner in Crl.O.P(MD).No.11032 of 2015 is that the defacto complainant's father did not get the licence in question and



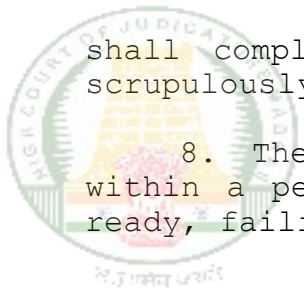
did not give amount in this regard. The first petitioner is working as a Assistant Engineer in Agricultural Engineering Department. In view of that he is working as a Government Servant, he got licence in the name of his wife, defacto complainant. The second petitioner in CrI.O.P(MD). No.11032 of 2015 has nothing to do with the running of the petrol bulk. Further, the first petitioner is living separately with his family due to various reasons and the suffered loss in the business. At the ill advice of brother of the defacto complainant, she gave a complaint to escape from her liability. Earlier she filed complaint in CrI.M.P.No.1 of 2015 on the file of learned Judicial Magistrate, Thirumangalam under Domestic Violence Act against the first petitioner in CrI.O.P(MD). No.11032 of 2015 and his family members and the same was dismissed on 01.12.2014 and on the very same complaint she have a complaint to the Deputy Superintendant of Police, Aundipatti which was forwarded to All Women Police Station, Aundipatti and the said complaint was compromised. Again she gave a complaint to Sub Inspector of Police, Palanichettipatti Police Station, Theni. The first petitioner set out the narrated facts of the earlier complaints by the defacto complainant and the Police did not proceed further. The defacto complainant filed CrI.O.P(MD).No.1052 of 2015 for a direction, to register her complaint. The first petitioner filed CrI.O.P(MD).No.2265 of 2015 for anticipatory bail and the matter was compromised and the defacto complainant withdrew the complaint. Again she filed the present complaint and filed CrI.O.P(MD).No.9873 of 2013 to register a case. As per the orders of this Court dated 09.06.2015, the present case is registered against the petitioners.

4. The learned counsel appearing for the petitioners in CrI.O.P(MD). No.11032 of 2015 submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners will not abscond and tamper the evidence.

5. The learned counsel appearing for the petitioner in CrI.O.P(MD). No.13059 of 2015 submitted that she is an employee of City Union Bank and due to family dispute she has been falsely implicated in this case. He further submitted that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution.

6. The learned Government Advocate (CrI. Side) submitted that charges against the petitioners are forgery and cheating and the investigation is pending.

7. Considering the fact that the petitioners in CrI.O.P(MD).11032 of 2015 have given details of earlier complaint given by the defacto complainant, which was compromised and that the first petitioner is a Government servant and the husband of the defacto complainant and also the fact that the petitioner in CrI.O.P(MD).No.13059 of 2015 is a Bank Manager of City Union Bank custodial interrogation of the petitioners are not necessary and therefore, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Theni and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners in CrI.O.P(MD).No.11032 of 2015 shall appear before the respondent Police as and when required for interrogation. The petitioners



shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
06/01/2016

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/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THENI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT, THENI.

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

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.979
IN CRL OP(MD)NO.13059/2015

+1 CC to Mr.S.BASKAR MATHURAM, Advocate, SR No.1137
IN CRL OP(MD)NO.11032/2015

TRP

JAM/NGM-SS/08.01/2016/3P-7C

ORDER
IN
CRL OP(MD) No.13059 AND 11032 of 2015
Date :06/01/2016