



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

Tuesday, the Ninth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.10755 of 2016

WEB COPY

1 R. SIVASAKTHIVEL GOUNDER
2 S. RAMASAMY
3 S. CHELLAMUTHU
4 S. SAKTHIVEL
5 P. CHELLAMUTHU
6 P. VEERACHAMY
7 SHA NAVAS

... PETITIONERS/ACCUSED NO.1 TO 7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ODDANCHATHIRAM POLICE STATION,
DINDIGUL DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.R.SANTHANAM Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

For Intervenor : 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 Nos.1 to 7, 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 I.P.C., 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 the same were executed by the *de-facto* complainant and misused the General Power of Attorney executed by the *de-facto* complainant appointing the second petitioner/A2 as his Agent and misappropriated the amount in respect of the petrol bunk belonging to the *de-facto* complainant and thereby, cheated him. On complaint, a case has been registered for the offences stated above.

3. The case of the petitioners is that they are innocent persons and they have not created any documents and further, they have not committed any offence as alleged by the prosecution.

4. Mr.S.R.Santhanam, learned counsel for the petitioners submitted that the earlier petition in Crl.O.P.(MD)No.15903 of 2015 filed by the petitioners for anticipatory bail was dismissed by this Court, vide order dated 27.11.2015, on misrepresentation by the *de-facto* complainant that the dealership for distribution of petroleum products granted to him was cancelled due to irregularities and illegalities committed by the petitioners. He further submitted that the *de-facto* complainant



filed W.P.(MD)No.15950 of 2013 before this Court, seeking a direction to the respondents 1 and 2 therein to supply the petroleum products to him in the light of his dealership in Ref.CBRO/PNR/RET, dated 23.03.2010, issued by the first respondent therein, for sale of their petroleum products and also a direction to the third respondent therein to give adequate police protection for smooth functioning and day-to-day administration of his dealership business. This Court, vide order dated 26.09.2013, granted interim injunction for a period of three weeks and now, the *de-facto* complainant is running the petrol bunk through the sub-dealer.

5. Mr.R.Sureshkumar, learned counsel for the Intervenor submitted that after the order passed by this Court, dated 27.11.2015, in CrI.O.P. (MD)No.15903 of 2015, the petitioners have filed Cr.M.P.No.3219 of 2015 before the Sessions Court, Dindigul and the said petition was dismissed on 07.12.2015 and now, there is no change of circumstances.

6. The respondent police filed a counter affidavit. Mr.P.Kannithevan, learned Government Advocate (Criminal side) submitted that the *de-facto* complainant is running the petrol bunk through the sub-dealer. He further submitted that the respondent police enquired the prosecution witnesses and also obtained their statement under Section 161(3) Cr.P.C. Investigation is going on.

7. Considering the facts and circumstances of the case and also considering the fact that the occurrence took place on 31.07.2015 and the statement was recorded from the witnesses, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Oddanchathiram, Dindigul District, on condition that each of the petitioners shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m., until further orders;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



8. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-

09/08/2016

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

TO

1 THE JUDICIAL MAGISTRATE
ODDANCHATHIRAM, DINDIGUL DISTRICT.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
ODDANCHATHIRAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S S.R.SANTHANAM Advocate SR.No.42969
+1. CC to M/S R.SURESH KUMAR, Advocate SR.No.43571

ORDER

IN

CRL OP(MD) No.10755 of 2016

Date :09/08/2016

PA/KBM/SAR III/16.08.2016/3P/7C