



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

Reserved on	Pronounced on
09.07.2021	13.07.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.3364 of 2021

1. Marimuthu
2. A.Veerajothi

... Petitioners/Accused Nos.1 & 2

Vs

The State through
The Inspector of Police,
City Crime Branch,
Trichy City.
In Crime No.06/2021.

... Respondent/Complainant

Somaiya

... Petitioner/Intervener/Defacto complainant
in CRL MP(MD)No.2098 of 2021 in
CRL OP(MD)No.3364 of 2021

For Petitioners : Mr.C.Senthil Murugan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.K.Gokul, Advocate

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

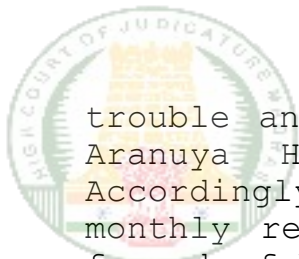
PRAYER :-For Anticipatory Bail in Crime no. 6 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A.1 and A.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under sections 406, 420, 465, 468 and 471 I.P.C., in Cr.No.6 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the landlord of the premises bearing Door No.4, second street, Jeya Nagar, RMS Colony, Karumandapam. The first accused Marimuthu requested hie premises for rent on 02.05.2016. A rental agreement was executed for running Nalam Care Aush. The advance is Rs.1,00,000/- and the monthly rent is Rs.18,000/-. After one year, he sold his premises to the respondent. The respondent, the clinic was run in a partnership and that ran it

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trouble and now he wants to run a separate clinic in the name of Aranuya Health Clinic and wanted him to renew the lease. Accordingly, another lease deed was executed between them. The monthly rent was Rs.18,900/- However, the accused had created a forged, fabricated rental document dated 10.12.2016 in the name of his wife Veerajothi and on the basis of that forged lease agreement, got drug licence in the name of Pugalendhi. The defacto complainant sent complaints to the Food Safety and Drug department on 22.10.2019 and 13.11.2019. On the basis of those complaints, licence was cancelled. The accused had also converted a domestic electricity connection to commercial electricity connection, on the basis of the forged rental agreement. Therefore, this case came to be registered.

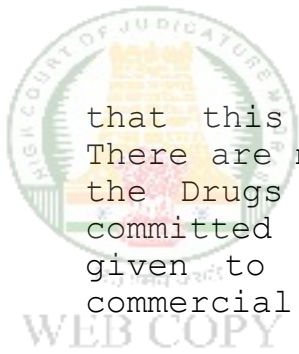
3. The learned Counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. There is no forged and fabrication of rental agreement. The issue between the parties is an issue between the landlord and the tenant and it has to be decided by the civil Court and not by a criminal Court. He filed a suit in O.S.No.311 of 2019, before II Additional District Munsif, Trichy and it is pending. Therefore, he seeks anticipatory bail to the petitioners.

4. The learned Counsel for the defacto complainant strongly opposes this petition and he produced a copy of the rental agreement between the petitioners dated 10.10.2016, 02.05.2016, 01.06.2017 and 29.05.2018 respectively, letters issued by the defacto complainant dated 11.03.2019, 28.03.2019, 27.09.2019, information received by the petitioner dated 16.03.2020 and reply given by the TNEB department to the petitioner dated 12.05.2020, in support of his case that the agreement was created by forging the signature of the defacto complainant.

5. The learned Additional Public Prosecutor appearing for the State strongly opposes this petition on the ground that the investigation in this case is pending.

6. Heard the learned Counsel for the petitioners, the learned Counsel for the defacto complainant and the learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

7. This is a case where it is alleged that the petitioners had fabricated, forged rental agreement and on that basis, converted the domestic consumption electricity into commercial electricity for the purpose of manufacturing drugs. The documents produced by the learned Counsel for the defacto complainant/intervenor shows that the rental agreement dated 10.10.2016 alleged to have been executed between the defacto complainant and the second accused, who is the wife of the first accused, was executed on 10.10.2016 in a stamp paper purchased on 28.10.2016. Therefore, it is clear



that this rental agreement is a forged and fabricated document. There are notices sent by the defacto complainant to the accused, to the Drugs control authorities and TANGEDCO informing the forgery committed by the petitioners and seeking cancellation of licence given to them and reversal of electricity consumption from the commercial to domestic consumption.

8. These materials produced by the learned Counsel for the defacto complainant clearly show that there is a *prima facie* case made out against the petitioners to prosecute them under Sections 406, 40, 465, 468 and 471 I.P.C. The first accused is a Doctor and he is alleged to have created the forged documents and converted the use for which premises was let, got licence on the basis of forged document and changed the nature of electricity consumption. The nature of the offence and the manner in which the offence is committed is daring and serious. The petitioners' custodial interrogation is necessary for the purpose of getting the specimen signature and get information regarding other vital aspects and for bringing this investigation to a close. In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
13/07/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 The Inspector of Police,
City Crime Branch, Trichy City.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.K.GOKUL, Advocate (SR-4566[I] dated 14/07/2021)

ORDER
IN
CRL OP(MD) No.3364 of 2021
Date :13/07/2021

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