



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7075 of 2022

RAVI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CCIW SALEM,
SALEM DISTRICT.
(CRIME NO.575/2019)

[RESPONDENT]

For Petitioner : M/S T.SHANMUGAM Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner herein apprehending arrest by the respondent police for the offences under Section 406 and 420 of I.P.C, in Crime No.575 of 2019, seeks anticipatory bail.

2. According to the defacto complainant, under the protest of opening Demat account, the petitioner who has represented himself as LIC and UTI Mutual Fund Agent, has obtained blank signed cheques and also forged his signature to purchase SIM cards and had siphoned Rs.9,15,999/- in his account and diverted into his own account and therefore, siphoned the money from his bank account by misusing the blank cheques and obtained SIM cards, forging his signature, sought action against the petitioner.

3. Learned counsel appearing for the petitioner submitted that the brother of the defacto complainant and the petitioner are partners in a firm by name M/s.Idea Consultancy Service. They are in stock brokerage business and in the course of trader, demat account



was opened and mutual running opening account was maintained. Since there is a crash in the market, the petitioner to get back his money has given a false complaint as against the petitioner, while his own brother also a partner in the M/s.Idea Consultancy Service and further the Learned Counsel would submit that when this matter was enquired by the police based on the complaint given by the defacto complainant, this petitioner given an undertaking to repay the money. However, due to the pandemic situation was not able to repay the money and considering the fact that the matter is civil in nature, there is nothing for custodial interrogation and further arrest of the petitioner.

4. This Court, considering the averment made in the petition as well as in the First Information Report, this Court finds that, apart from Civil transaction, there is a specific allegation against this petitioner, that he has forged the signature of the defacto complainant for obtaining SIM cards and for other purposes. Therefore, the gravity of the offence against this petitioner is not merely a civil transaction, but, a forgery of signature to siphoned the money from the demat account of the defacto complainant and this requires custodial interrogation. Though the complaint was given as early as on 17.11.2019 and it has been under investigation by the respondent police. All these days on the promise made by the petitioner herein, that he will pay the money back. The respondent has not proceeded further, after giving an undertaking that he will pay the money back. The petitioner has not paid the money back, has approached this Court seeking anticipatory bail.

5. The intention of the petitioner is very clear that since he has neither co-operated with the investigation nor paid the money back, as he has promised to pay. Now, it is time to take him to custody and interrogate regarding the allegation of forgery and proceed further. Hence, this Criminal Original Petition is dismissed.

-sd/-
28/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
CCIW SALEM,
SALEM DISTRICT.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.7075/2022

Date :28/03/2022

TA-01/04/2022