



Crl.O.P.Nos.15081, 15122 & 15148 of 2022

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G.K.I LANTHIRAIYAN, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B, 419, 420, 465 & 468 of IPC in Crime No. 14 of 2022, seek anticipatory bail.

2. The case of the prosecution is that from 1971 onwards, the defacto complainant's father Late Ramadas was doing gold business in the name and style of M/s.Karpagam Abarna Maligai from and out of the profit earned from the shop he started another jewellery shop in the name of M/s.Karpagam Jewellers and nominated his son viz., Balamurugan as proprietor of shop. Though Balamurugan acted as a proprietor, in reality, both the shops were maintained by late C.Ramadas, father of the defacto complainant. Her father used to share his business statistics as well as profit and loss with the defacto complainant and her elder sister. Since, the 1st accused is the only son of her father, for the same, he used to take care of the management of M/s.Karpagam Jewellers under the guidance of her father. On 14.08.2020, due to COVID-19 Corona Virus Disease,



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her father died, for which death certificate as well as legal heir certificate were issued by the appropriate authority on 27.08.2020 and 05.10.2020. The legal heir certificate, the legal heirs of deceased Ramadas was shown as viz., (1) Balamurugan (2) Sri Vidya (3) Kavitha and (4) Lakshmi.

3. The learned Senior Counsel appearing for the petitioner would submit that the petitioners are mother, brother and auditor of the Karpagam Abarna Maligai. The said jewellery business was ran by their father. All the legal heirs are joint owners of the jewellery shop. While being so, her father died on 14.08.2020. Thereafter, the brother of the defacto complainant had taken over the business of the father along with his mother. While being so, the defacto complainant filed a suit for partition in O.S.No.672 of 2022 on the file of the I Additional District Court, Coimbatore and it is pending. Pending suit, the defacto complainant lodged the present complaint alleging that after demise of her father, her brother had filed GST returns using the forged digital signature of her deceased father.



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4. It is seen from the records, as per rules, a digital signature is usually issued with a validity of one year or two year subject to the signature being renewed. The digital signature of her deceased father expired on October 2020 and the same was also acknowledged by the letter dated 16.02.2022. Therefore, the custodial interrogation of the petitioner is not at all required in this case.

5. Whereas, the learned counsel appearing for the intervenor submitted that while pending partition suit, an Advocate Commissioner was appointed to take inventories. He also pointed out that no one was cooperating for taking inventories. After death of her father, the accused fraudulently utilised the digital signature of her father and filed GST Returns on 31.12.2020 impersonating her father. The auditor only filed the returns after demise of her father. Further, on 24.10.2020, her mother used her name taken a new GST Number for M/s.Karpagam Abarna Maligai. The accused persons fraudulently used her father digital signature and gave a cancellation form for cancelling GST for



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M/s.Karpagam Abarna Maligai, as if it was sent by her father's Mail ID.

Now, the mother has been seized of by the Civil Court in partition suit in O.S.No.672 of 2020 on the file of the I Additional District Court, Coimbatore. In fact, the Advocate Commissioner is also appointed and he filed report.

6. That apart, the defacto complainant filed an application before the Civil Court for various relief and it is also pending. It is a dispute among the family members in respect of a family business. Therefore, custodial interrogation of the petitioners is not required in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioners 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 on which the order copy is made ready, before the learned Judicial Magistrate No.VII, Coimbatore, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/-



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(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

06.07.2022

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