



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN
CRL OP(MD)No.16985 of 2021

WEB COPY

G.Manikandan,

... Petitioner/Sole Accused

Vs

State Rep.by
The Deputy Superintendent Of Police,
District Crime Branch,
Thanjavur.
Cr.No. 69 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Arulvadivel @ Sekar C,
Advocate.
For Respondent : Mr.SS.Madavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.69 of 2021 on the file of the Respondent Police.

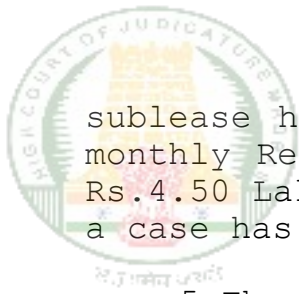
ORDER : The Court made the following order :-

The petitioner, who apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 418, 420 and 423 of I.P.C., in Crime No.69 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that this petitioner, without getting prior permission from the concerned authority, has sublet the shop No.7810 (Mall Shop), which was leased to him.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4.Reading of the entire typed set of papers produced by the petitioner shows that this petitioner was originally lessee in respect of the Shop No.7810 (Mall Shop) as per the order, dated 30.11.2017 by the Commissioner of Municipal Corporation, Thanjavur. In the said order, there is a specific condition to the effect that the shop should not be sublet by the petitioner without proper or prior permission. It has also been stated that if there is any sublet, automatically the lease will be terminated. When a surprise inspection was made by the concerned authorities, it was found that



sublease has been made by the petitioner to the TASMAC shop for a monthly Rent of Rs.45,000/- and also received an advance amount of Rs.4.50 Lakhs. So upon which, this complaint has been preferred and a case has been registered.

5.The learned counsel appearing for the petitioner would submit that only the de-facto complainant, who is the competent authority, arranged for subletting the above said shop to the TASMAC shop and over the dispute, the petitioner has also sent a notice to the Commissioner of Municipal Corporation, Thanjavur, on 04.10.2021 setting out the facts and circumstances. It has been specifically stated that such an arrangement of subletting was made in the presence of the District Collector, the Commissioner of Municipal Corporation, Thanjavur and the Manager of the TASMAC, at the instance of the District Collector. It is further stated that the Commissioner of Municipal Corporation, Thanjavur is also signed in the above said arrangement, which is also forwarded to the Managing Director of TASMAC, Chennai, who in turn approved the same and the proposal of the above said subletting of the shop to the TASMAC was also approved and the advance amount was also disbursed only through the officials. So the notice, dated 04.10.2021 has also received by the Commissioner of Municipal Corporation, Thanjavur. Only after that, this case came to be registered on the basis of the complaint given by the Assistant Revenue Officer, Corporation of Thanjavur stating that such a sublet is totally illegal and by subletting the shop, the petitioner unlawfully gained benefit. It is also alleged that it is also a breach of trust and cheating.

6.So these documents shows that some sort of arrangements have been made between the Commissioner of Municipal Corporation, Thanjavur and the petitioner by leasing out a portion of the shop, which was taken on lease by the petitioner for running a TASMAC shop. These are prima facie documents, which are available on record, shows that this petitioner is entitled to the relief of anticipatory bail.

7.In the view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Thanjavur, and on his 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 petitioner shall appear before the respondent police daily at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.



8.The petitioner 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 shall stand dismissed.

sd/-
10/12/2021

WEB COPY

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE NO.1
THANJAVUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ARULVADIVEL @ SEKAR C Advocate SR.No.9135

ORDER
IN
CRL OP(MD) No.16985 of 2021
Date :10/12/2021

RS/JM/SAR2(16.12.2021) 3P-6C