



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18.11.2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18052 of 2021

R.K.Mani

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur.
Crime No.73 of 2021

... Respondent/Complainant

For Petitioner : Mr.I.ABRAR MD ABDULLAH, Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

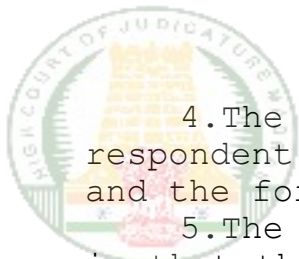
For Bail in Crime No.73 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 22.10.2021 for the offence under Sections 465, 468, 471 and 420 IPC in Crime No.73 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was granted license for two shops at Saraboji College Road, near Thanjavur bus stand through public auction, that the petitioner and others had conspired and created a document as if it is the proceedings in Na.Ka.No.13320/2019/M.C.A.13 dated 06.12.2019 by forging the signature of the former Commissioner of Thanjavur Municipality, Tmt.Janaki Ravindharan and also a created a resolution as if a meeting was conducted on 30.11.2019 and the resolution was passed and that the Thanjavur Municipality came to know about the forgery and fabrication of documents, only on verification of the affidavit and documents, filed in W.P.(MD)No.18600 of 2021 filed by the petitioner before the Madurai Bench of Madras High Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 22.10.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that that investigation is not yet completed and the forensic reports are yet to be received.

5.The main contention of the learned counsel for the petitioner is that the petitioner was permitted to pay the revised rent as per the proceedings dated 06.12.2019, that the municipal authorities has been receiving the rent without any objection or protest and that therefore, the authorities are estopped from saying that the resolution and the proceedings were fake and if the resolution and the proceedings were fake, there was no explanation as to how they have been receiving the rent continuously.

6.As rightly contended by the learned Additional Public Prosecutor, mere payment of the rents as per the alleged revised proceedings and receipt of the same by the municipal authorities cannot prevent the authorities from questioning or challenging the alleged resolution and the proceedings were forged.

7.Considering the seriousness and gravity of the offences alleged and also the facts that the petitioner is in judicial custody from 22.10.2021 and that the investigation is pending as stated by the learned Additional Public Prosecutor, this Court is not inclined to grant bail to the petitioner at this point of time.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-

18/11/2021

/ 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 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR.
- 2 THE OFFICER INCHARGE
SUB-JAIL, THANJAVUR
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.SENTHIL KUMARAIAH, Advocate SR.No.8235

ORDER IN

CRL OP(MD) No.18052 of 2021

Date :18/11/2021

SA/PN/SAR.2/23.11.2021/2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>