



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.20849 of 2021

R.K.Mani : Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur.
(Cr.No. 73 of 2021).

: Respondent/Complainant

For Petitioner : Mr.Niranjana S.Kumar for
Mr.Samy,K.K., Advocate.
For Respondent : Mr.RMS.Sethuraman,
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 14.10.2021 for the offence punishable under Sections 465, 468, 471 and 420 IPC, in Crime No.73 of 2021, on the file 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 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 documents, filed in W.P.(MD)No.18600 of 2021 filed by



the petitioner before this 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 challenging the order passed by this Court, they have preferred a petition for Special Leave to appeal before the Hon'ble Supreme Court, that since the time for availing statutory bail has come, at the instructions of the trial Court counsel, the petition was withdrawn and on that basis Special Leave Petition was ordered to be dismissed as withdrawn. He would further submit that before approaching the jurisdictional Court for statutory bail, the respondent Police has already filed the charge sheet and hence, the petitioner has no other option, but to file this petition.

4.The learned Additional Public Prosecutor would submit that the respondent Police has filed the charge sheet and the same was taken on file in C.C.No.409 of 2021 on the file of the Judicial Magistrate No.II, Thanjavur and is pending.

5.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 14.10.2021, that the petitioner was already granted bail in respect of the previous cases in Crime Nos.70 and 71 of 2021 registered for the very same offence and that the charge sheet has already been laid and the case is pending in C.C.No.409 of 2021 on the file of the Judicial Magistrate No.II, Thanjavur, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur District.

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions were breached and the petitioner 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/12/2021

WEB COPY

/ TRUE COPY /

23/12/2021
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.II,
THANJAVUR.
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THANJAVUR.
- 4 THE OFFICER INCHARGE
SUB-JAIL, THANJAVUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.K.SAMY, Advocate (SR-9720[I] dated 23/12/2021)

ORDER
IN
CRL OP(MD) No.20849 of 2021
Date :23/12/2021

RS/VR/SAR4(23.12.2021) 3P-7C

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