



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

Date : 08/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.220 of 2022

1. R.K.Ramanathan
2. R.K.Nagarajan
3. R.K.Kumaravel

... Petitioners/Accused Nos.1 to 3

Vs

1. The State Rep. By,
The Inspector of Police,
District Crime Branch,
Thanjavur.
Cr.No.80 of 2021.

... Respondent/Complainant

2. R.Kannadhasan

... Petitioner/Intervener/
Informant

For Petitioners : M/s.Vadivel.P, Advocate

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

For Intervener : Mr.N.Dilip Kumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.80 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 406, 467, 468, 471, 477(A), 420 IPC, in Crime No.80 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of prosecution in brief is as follows:

(i)The defacto complainant is a Junior Engineer working in the Corporation of Thanjavur District. He stated in the complaint that Sri Sudharsana Sabha is located in the property, which belongs to



the Corporation of Thanjavur and leased out to Sri Sudharsan for 99 years in the year 1925, for conducting the cultural events and religious events etc..

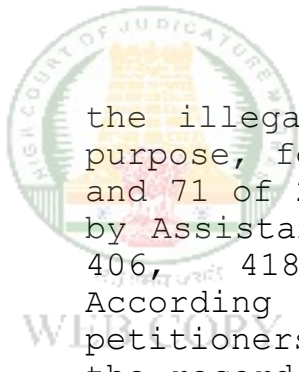
(ii) On 01.05.1991, one R.K.Ramanathan and his brothers taken over the property and running a bar. Later, they become Executive Officers of the above said Sabha and applied permission for running Bar before the Excise Department, that was also allowed on 30.10.1991. The Sabha was paying Rs.20/- per year as rent, however that was also not properly paid. They also indulged in subletting the property. As per Audit Report the Corporation was directed to recover Rs.3,27,34,154/- from the Sabha. The accused persons have gained unlawful gain. Later, eviction proceedings had been undertaken and notice was also issued and subsequently, the Corporation sealed the premises.

(iii) Challenging the above said sealing, the accused persons filed an appeal before the Principal District Judge, Thanjavur. At the time of filing above said documents, they also enclosed forged documents. On going through the above said documents, it is found that the accused persons had filed a document of resolution, as if, 90 General Body members participated in the event and they selected the accused persons, as office bearers. However, out of 90 persons, it is stated that 13 persons already dead and their signatures had been forged in the above said document. Similarly the other members signature was also found to be forged. As mentioned above, the documents have been created, as if, the General Body members participated in the election process. Only to continue the illegal activity, the above said documents had been prepared. On the basis of a complaint, the present case has been registered. Seeking anticipatory bail the Accused No.1, 2 and 3 preferred this petition.

3. Heard both sides. The intervener is also permitted to argue the matter.

4. The learned Senior Counsel for the petitioners submitted that before expiry of lease period, the Corporation of Thanjavur had initiated action by taking possession. Hence, the second petitioner viz., R.K.Ramanathan filed a suit in OS.No.297 of 2011 before the Additional Sub Court, Thanjavur and that was allowed and the Corporation was directed, not to interfere with the possession till 12.05.2022. Against the said Decree and Judgment, the Corporation filed an appeal in AS.No.134 of 2018 and that was also dismissed. In spite of above, the Corporation is trying to take over the possession, by giving such a wrong complaint.

5. The intervener would submit that only on the basis of a finding that the documents, were fabricated and produced before the Principal District Judge, Thanjavur, FIR has been registered and is also stated that petitioners are continuously doing



the illegal activities, by using the premises for other purpose, for which, it was leased out. Another FIR in Crime Nos.70 and 71 of 2021 were also registered, on the basis of complaint given by Assistant Revenue Officer, Municipal Corporation, under Sections 406, 418, 420, 423 IPC, thereby, R.K.Ramanathan was arrested. According to the intervener, continuous illegal activity of the petitioners should not be permitted and that they have fabricated the records and produced before Principal District Judge, Thanjavur. This itself is sufficient enough to reject the anticipatory bail petition.

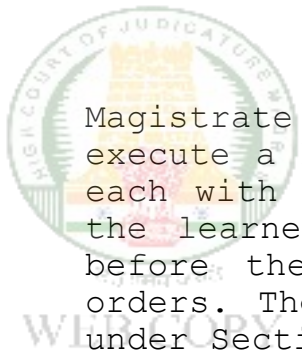
6.The Principal District Judge, Thanjavur had disposed of the petitions filed by the accused persons against the eviction order. The entire records had been called for by this Court to know whether there is any finding with regard to the genuineness of the documents.

7.Perusal of the records that were submitted by the trial court shows that the disputed document is marked as Ex.P.30. Against the eviction order, four CMAs in CMA Nos.25, 26, 27 and 28 of 2021, had been filed and all were dismissed by the Principal District Judge, Thanjavur, by a common Order, dated 12.01.2022, granting one month time to the petitioners to vacate the premises. The plea of forgery of records has also been taken before Principal District Judge, Thanjavur, that the signatures of General Body members found Ex.P.30 were forged one. The learned Judge also gave a finding that the said Sabha is not functioning now and it becomes non existent.

8.However, the Court has not chosen to initiate action under Section 340 of Cr.P.C against the petitioners. This serious allegation of forgery of records, as alleged in the order of Principal District Judge is dated 12.01.2022, but the complaint is filed only on 25.12.2021, which is even before the order passed by the Principal District Judge, Thanjavur. As per Section 340 Cr.P.C, they have not taken any action for perjury before the concerned Court. In spite of that they filed this complaint, even during the pendency of above said CMAs. No doubt, the fabricated document had been prepared and produced before the concerned Court.

9.Considering the facts and circumstances and based on records, there is a finding by the competent Court with regard to the disputed document also. However, considering the fact that the petitioners are aged about 68, 63 and 61 years respectively and no purpose will be served to subject them to custodial interrogation, which might not be necessary at this stage. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

10.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event



Magistrate No.I, Thanjavur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

11. The petitioners 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 stands dismissed.

sd/-

08/08/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.VADIVEL, Advocate (SR-8311[I] dated 10/08/2022)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-8410[I] dated 11/08/2022)

ORDER

IN

CRL OP(MD) No.220 of 2022

Date :08/08/2022

PNM

USK/SVR/SAR-II/12.08.2022/4P/7C