



WEB COPY

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

Reserved on : 07.02.2022

Delivered on : 11.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2559 of 2022

R.K.Mani ... Petitioner/ 4th Accused
vs.

The State represented by
The Inspector of Police,
District Crime Branch,
Thanjavur.
Crime No.80 of 2021.

... Respondent/ Complainant

For Petitioner : Mr.ARL.Sundaresan, Senior Counsel
for Mr.P.T.Rakesh, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

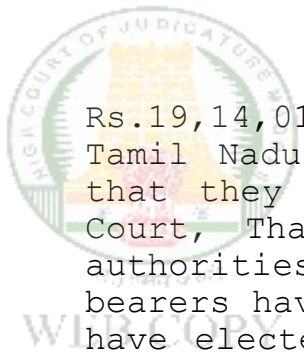
PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in Crime No.80 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.4, who was arrested and remanded to judicial custody on 27.12.2021 for the offences punishable under Sections 120B, 406, 467, 468, 471, 477A and 420 IPC, in Crime No.80 of 2021, seeks bail.

2.The case of the prosecution is that 41969 sq.ft. of the property belonging to the Thanjavur Municipal Corporation was taken on lease by Sri Sudharsana Sabha, in the year 1925 for 99 years, that the petitioner and other accused became the members of the said Sabha on 01.05.1991, that though the lease was taken to conduct auspicious and spiritual functions, the office-bearers had subleased the premises to various persons to run hotel, bar, mobile shop, etc., that the Sabha did not even pay the annual lease amount of Rs.20/- till now, but they had subleased the Sabha property and caused wrongful loss to the Corporation to the tune of



Rs.19,14,01,627/-, that the said property has been sealed under Tamil Nadu Public Premises Eviction of Unauthorized Occupant Act, that they have preferred an appeal before the Principal District Court, Thanjavur and the same is pending, that the Corporation authorities have come to know that the petitioner and other office-bearers have filed forged and fabricated documents as if, 90 members have elected the accused as the office-bearers, that several death persons were shown to have been alive and subscribed their signatures in the said documents and that since COVID-19 restrictions were in force there could not be any meeting on 09.08.2020 and that the petitioner and other office-bearers had unlawfully occupied the Sabha property, fabricated the documents and have played fraud on Court.

3.The case of the petitioner is that Sudharasana Sabha is a lease holder of the said land for 99 years which will come to an end on 12.05.2025, that there were several attempts by the Thanjavur Corporation to evict the Sabha and take over the property, that the Sabha filed a suit in O.S.No.1 of 1974 and obtained permanent injunction against Corporation, that the suit filed by the Corporation in O.S.No.392 of 1976 was dismissed, that the Sabha filed another suit in O.S.No.297 of 2011 for permanent injunction and the same was decreed, that the appeal preferred by the Corporation was ended in dismissal and that since the Corporation having failed in all the attempts, has now taken the present method of registering several false complaints against the office-bearers with an ulterior motive to evict the Sabha from the subject property.

4.The learned Senior counsel for the petitioner would submit that the petitioner is not aware of any documents filed in appeals in C.M.A.Nos.25, 26, 27 & 28 of 2021 as he was under the custody when the said appeals were preferred, that the said appeals were not filed under his instructions and that therefore, it cannot be said that the petitioner was involved in the conspiracy and the offence of cheating or misleading the Court to pass the wrong order. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

5.The main contention of the prosecution is that the petitioner and others had filed the Annual Returns as if, the meeting was attended by 90 members but many members, who were allegedly attended the meeting were already reported dead and that signature of some other members were not tallying with their original signatures and that the petitioner and his family members had fabricated and forged documents, in such a way, to retain the said property to make an unlawful gain.

6.The learned Additional Public Prosecutor appearing for the
<https://hoseprocure.in/hoseprocure/> submit that the petitioner and other office-bearers



had caused loss of Rs.19,14,01,627/- to the Thanjavur Municipal Corporation.

7.Considering the seriousness and gravity of offence alleged against the petitioner and also the quantum of loss allegedly caused to the Municipal Corporation, Thanjavur and also taking note of the complaint of producing the fabricated and forged documents before the Court as well as before the authorities, this Court is not inclined to grant bail to the petitioner at this point of time.

8.In the result, this Criminal Original Petition is dismissed.

sd/-

11/02/2022

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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.

+1CC TO Mr.P.T.Rakesh, Advocate, SR NO.1237

ORDER

IN

CRL OP(MD) No.2559 of 2022

Date :11/02/2022

CSM

MS/JM/SAR-2/17.02.2022/3P.5C