



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

Date : 07.03.2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3850 of 2022

R.K.Mani

... Petitioner/4th Accused

Vs.

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

... Respondent/Complainant

For Petitioner : Mr.Nirajan S. Kumar, Advocate
for M/s.A.Arul Jenifer.

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

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

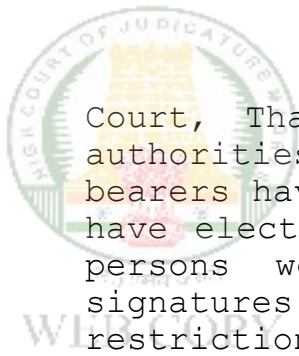
PRAYER :-

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.No doubt, the earlier application for bail filed by the petitioner was dismissed by this Court in Crl.O.P.(MD)No.2559 of 2022 vide order dated 07.02.2022.

5.The learned counsel for the petitioner would submit that the anticipatory bail application filed by the accused 1 to 3 is pending before this Court and this Court has also granted interim protection.

6.The learned Additional Public Prosecutor would submit that the forensic report is not yet received.

7.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, he has specifically stated that he is ready and willing to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) voluntarily to show his *bona fide* and without prejudice to his rights and contentions before the trial Court.

8.Considering the above facts and circumstances and also taking note of the undertaking affidavit filed by the petitioner and also the facts that the petitioner is in judicial custody from 27.12.2021 and that the forensic report is not yet received as stated by the learned Additional Public Prosecutor, this Court is inclined to direct the petitioner to the following conditions:



9. 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.

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(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 deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs Only)** to the credit of Crime No.80 of 2021 before the learned Judicial Magistrate No.II, Thanjavur, within a period of two weeks, without prejudice to his rights and contentions, failing which, the bail granted to the petitioner shall stand automatically cancelled;

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial;

(vi) 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 have been imposed 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]***.

(vii) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/03/2022

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/ /2022

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-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR DISTRICT.
4. THE OFFICER-INCHARGE,
SUB JAIL, THANJAVUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.ARUL JENIFER, Advocate (SR-1763[I] dated
07/03/2022)

ORDER
IN
CRL OP(MD) No.3850 of 2022
Date :07/03/2022

USK/PN/SAR-III/07.03.2022/4P/7C