

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2018

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.24407 of 2017

D.K.Koppar, Finance Officer,
Sri Vyasaraaja Mutt (Sosale),
No.1, Bennegovindappa Road,
Gandhi Bazaar, Basavanagudi,
Bangalore-560 004.

.. Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
D-3, Icehouse Police Station,
Triplicane, Chennai.

2.Sosale Prakash

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 439 (2) of Cr.P.C., to cancel the bail granted dated 21.12.2016 in Crl.O.P.No.26717 of 2016 in Crime No.1314 of 2016 on the file of the respondent police.

For Petitioner : Mr.K.S.R.Anirudha

For Respondent : Mr.R.Surya Prakash, GA for R1
Mr.S.Thangavel, for R2

O R D E R

This Criminal Original Petition has been filed to cancel the bail granted dated 21.12.2016 in Crl.O.P.No.26717 of 2016 in Crime No.1314 of 2016 on the file of the respondent police.

2.The petitioner is the defacto complainant, who has lodged a complaint before the respondent Police against the second respondent/accused. A1 and A2/second respondent herein are said to have misappropriated funds and properties of the Sri Vyasaraaja mutt (Sosale). Subsequently, the Administrative Officer lodged a complaint before the respondent Police.

3.This Court has considered the matter elaborately wherein it has stated that with regard to the very same dispute, a case was heard by the High Court of Karnataka, which have given certain suggestions and observations and passed G.O. appointing an Ex I.A.S. Officer to look after the affairs of the Mutt. Thereafter, A1/pontiff was allowed to perform his religious functions and he was striped of

financial powers and was restrained from interfering with secular activities of the Mutt. The Second respondent/A2 is an associate of A1. The bank account opened by A2 was frozen. During the proceedings before the Principal Sessions Judge, Chennai, A2 will deposit a sum of Rs.83,000/- as the balance amount and the same was also recorded. Considering the entire scenario, this Court granted bail with the following conditions:

"13. (i) Bail granted.

(ii) Two sureties, who shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each and also by the petitioner for a likesum to the satisfaction of the learned XIII Metropolitan Magistrate, Allikulam, Chennai.

(iii) Petitioner shall report before the Investigating Officer on every Monday and Friday for four weeks at 10.30 a.m. and thereafter, as and when required for interrogation.

(iv) The petitioner will surrender his passport to the said Court.

(v) It is made clear that if the petitioner continue to indulge in such illegal activities, prosecution, or the defacto complainant can move this Court for cancellation of his bail, however, it will be decided only after hearing both sides."

4.The learned counsel for the petitioner/defacto complainant would submit that even thereafter, the second respondent/accused has collected the rent from the tenants, for which, the second respondent/accused violated the condition No.(v) imposed on him in the bail order passed by this Court in CrI.O.P.No.13543 of 2016, dated 21.12.2016.

5.On perusal of the condition No.(v), it is made clear that the second respondent/accused continue to indulge in such activities, prosecution, or the de facto complainant have to approach this Court for cancellation of his bail.

6.The learned Government Advocate (Criminal Side) would submit that the second respondent/accused has not violated the conditions imposed by this Court.

7.Considering the submission made by both sides and taking note of the fact that the second respondent/accused had not violated the conditions imposed by this Court, I am not inclined to allow this petition and accordingly, the petition seeking cancellation of bail granted by this Court in CrI.O.P.No.26717 of 2016, dated 21.12.2016, is dismissed.

However, the order will not stand on the way of the petitioner to work out the remedy in the manner known to law.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

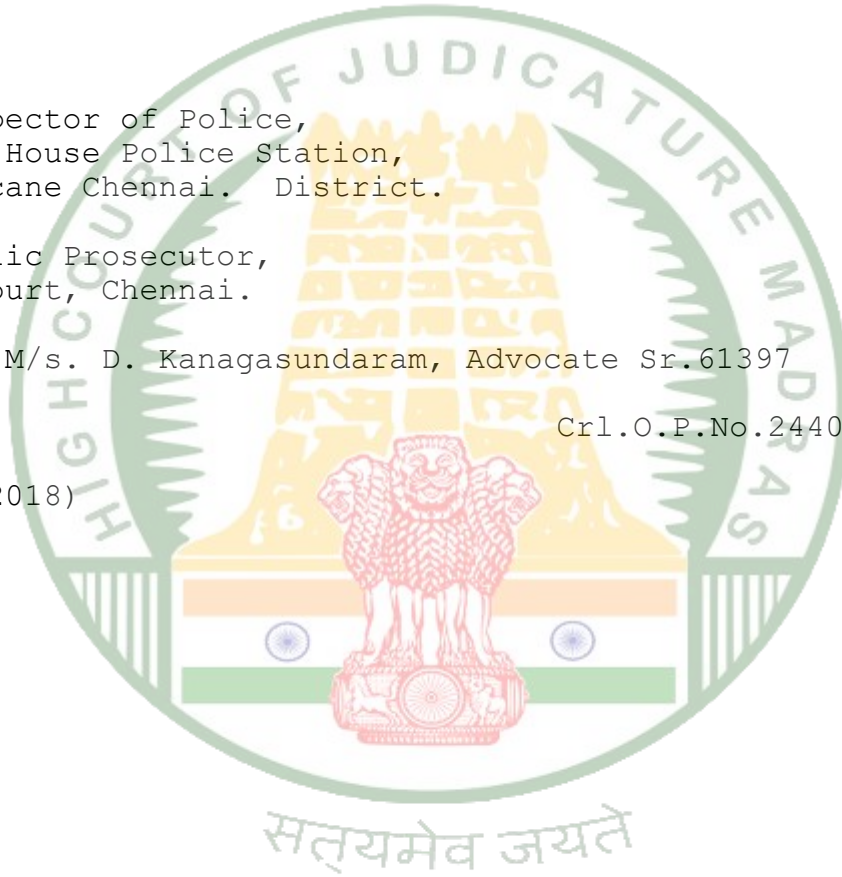
1.The Inspector of Police,
D-3 ICE House Police Station,
Triplicane Chennai. District.

2.The Public Prosecutor,
High Court, Chennai.

+ 1 cc to M/s. D. Kanagasundaram, Advocate Sr.61397

Cr1.O.P.No.24407 of 2017

RSV(CO)
EU(03/10/2018)



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