



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION NOS.4943 and 4946 OF 2022

IN

CRL. O.P. Nos.17830 and 17831 OF 2021

CHAPPARTHI PRIMARY AGRICULTURAL [PETITIONER/INTERVENOR
CO-OPERATIVE CREDIT SOCIETY LTD., IN BOTH THE PETITIONS]
REP BY ITS SECRETARY,
CHAPPARTHI

Vs

1 B.NANJUNDAN [RESPONDENTS 1 TO 7/
2 GOPAL PETITIONERS 1 TO 7
3 S.KALA IN CRL.MP.NO.4943/2022
4 KARUNANITHI IN CRL.OP.NO.17830/2021]
5 ANBAZAGAN
6 B.T.THOTLAN
7 VALLI

8 STATE REP BY [RESPONDENT 8/ RESPONDENT]
THE INSPECTOR OF POLICE, IN CRL.MP.NO.4943/2022
CCIW POLICE STATION, IN CRL.OP.NO.17830/2021]
KRISHNAGIRI DISTRICT

1 S.S.KANNAIYAN [RESPONDENTS 1/PETITIONER 1
IN CRL.MP.NO.4946/2022
IN CRL.OP.NO.17831/2021]

2. STATE REP BY [RESPONDENT 2/RESPONDENT]
THE INSPECTOR OF POLICE, IN CRL.MP.NO.4946/2022
CCIW POLICE STATION, IN CRL.OP.NO.17831/2021]
KRISHNAGIRI DISTRICT.



Petitions praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) modify the order in Crl.O.P Nos.17830 & 17831/2021 dated 21.10.2021 as the Learned Magistrate is directed to disburse the amount deposited by the respondent 1 to 6 by demand draft of Rs.6,86,236/- in crime No.2/2021 to the petitioner society on filing appropriate petition before the trial court instead of the defacto complaint on filing appropriate under taking affidavit before the trial court and pass appropriate order as deem fit and proper in the circumstances of the case. [CRL.MP.NO.4943/2022]

(ii) modify the order in Crl.O.P No.17831/2021 dated 21.10.2021 as the Learned magistrate is directed to disburse the amount deposited by the 1st respondent by demand draft of Rs.3,23,248/- in crime no.2/2021 to the petitioner society on filing appropriate petition before the trial court instead of the defacto complaint on filing appropriate under takng affidavit before the trail court. [CRL.MP.NO.4946/2022]

Order : These petitions coming on for orders upon perusing the petitions and the filed in support thereof and upon hearing the arguments of M/S.M.S.PALANISWAMY, Advocate for the petitioner [IN BOTH THE PETITIONS] and of MR. S.UDAYAKUMAR, Govt. Advocate (Crl. Side) on behalf of the 8th Respondent [IN CRL.MP.NO.4943/2022 IN CRL.OP.NO.17830/2021] & 2nd Respondent [IN CRL.MP.NO.4946/2022 IN CRL.OP.NO.17831/2021] the court made the following order:-

Vide order dated 20.10.2021 this Court had enlarged the petitioner on anticipatory bail on certain conditions. These petitions have been filed by the petitioners seeking relaxation of the conditions.

2. Learned counsel appearing for the petitioner/defacto complainant submitted that the defacto complainant who is the statutory authority in the petitioner Society, has no interest in this matter to file appropriate undertaking affidavit before the Trial Court and hence prays this Court to modify the condition to the extent that 'the petitioner Society on filing appropriate undertaking before the Trial Court instead of defacto complainant'.

3. In view of the above submission, this Court is of the considered view that the prayer as sought for by the petitioners could be acceded to and this Court modifies the condition (a) to the extent that 'the learned Magistrate is directed to disburse the amount to the Chapparthi Primary Agricultural Co-operative Credit Society Ltd., rep.by its Secretary, on filing appropriate application before the learned Judicial Magistrate along with an affidavit of



undertaking that in the event of accused succeeding the criminal proceedings, the amount would be refunded to them'.

4. Accordingly, these Criminal Miscellaneous Petitions are disposed of. All other conditions remain unaltered.

-sd/-

25/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CCIW POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.M.S.PALANISWAMY Advocate on payment of necessary charges SR.NO. 6288

Order

in

CRL MP.NOs.4943 and 4946 OF 2022

IN

CRL. O.P. Nos.17830 and 17831 OF 2021

Date :25/04/2022

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

RW 11/05/2022