



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

Tuesday, the Fourteenth day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.5215 of 2022

IN

CRL OP(MD) No.13462 of 2018

M/S.NATIONAL COMMODITIES MANAGEMENT SERVICES LTD.,
(FORMERLY NATIONAL COLLECTERAL MANAGEMENT SERVICES LTD),
UNIT NO.505 TO 09, 5TH FLOOR,
LODHA SUPREMUS OFFJVL, KANJURMARG EAST, MUMBAI,
MAHARASTRA - 400 042.

NEW ADDRESS D-164, TTC INDUSTRIAL AREA,
NERU MIDC, NAVI MUMBAI- 400 706
REP BY ITS AUTHORISED REPRESENTATIVE,
L.DEVARAJ

... PETITIONER/INTERVENER/3rd PARTY

Vs

1 KOWSALYA

...RESPONDENT/PETITIONER/2nd ACCUSED

2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
IN CRIME NO.1/2018.

...RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory Bail granted by this Honble Court infavour of R1/Petitioner.2nd Accused herein in Crl.OP(MD)No.13462/2018 dated.30/4/2019.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.P.PETHU RAJESH, Advocate for the petitioner and of MR.V.KARUNA, Advocate for the 1st Respondent and of MR.B.THANGA ARAVINDH, Government Advocate (Criminal Side)on behalf of the 2nd Respondent, the court made the following order:-

This petition has been filed to cancel the anticipatory bail granted to the first respondent in Crl.O.P.(MD)No.13462 of 2018 dated.30/4/2019.

<https://www.court.gov.in/>



2. This petition has been filed on the ground that the conditions imposed by this Court have not been complied by the first respondent. This Court granted anticipatory bail to the first respondent by imposing the following conditions:-

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(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) In view of the agreement between the parties except NCML, this Court is inclined to pass the following orders:

(i) Considering the agony faced by the farmers, this Court directs the learned Magistrate to disburse the amount of Rs.2,15,94,074/- in favour of the 96 farmers, (list of the farmers annexed along with the order copy) and identify the parties and disburse the amount including the amount of Rs.6,26,020/- which has to be deducted from the account of Prakash, Balasubramanian, Raja and Ravichandran.

(ii) The learned Magistrate is directed to disburse the amount of Rs.42,00,000/- out of Rs.1,13,30,246/- in favour of KVB with no interest.

(iii) After deducting the said amount of Rs.42,00,000/- from the balance amount of Rs.1,13,30,246/- is Rs.71,30,246/-. The learned Magistrate is directed to disburse the amount of Rs.71,30,246/- in favour of NCML. Further, the petitioners are directed to pay a sum of Rs.65,79,387/- as balance amount and further the amount of Rs.9,20,613 towards godown charges totalling a sum of Rs.75,00,000/- to NCML directly within a period of four weeks from the date of receipt of a copy of this order failing which the bail granted by this Court automatically cancelled and further liberty granted to NCML to recover the interest as well as the godown charges in the manner known to law.

(c) the petitioners shall report before the respondent police daily at 10.30 p.m., until further orders



(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

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(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. Though this Court for the purpose of facilitating the disposal of the paddy bags granted interim anticipatory bail to the petitioners on condition that the petitioners are directed to deposit Rs.1,00,00,000/- it appears till date that the said amount was not deposited though he violated a condition. However, in view of the settlement arrived between the parties, I am inclined to grant another four weeks time to deposit a sum of Rs.75,00,000/- in favour of NCML within a period of four weeks from the date of receipt of a copy of this order, failing which, the Law Enforcing agency as well as the NCML grants liberty to work out their remedy in the manner known to law. The learned magistrate is directed to complete the said exercising within a period of six weeks from the date of receipt of a copy of this order.

3. Admittedly, the first respondent failed to comply with the condition imposed by this Court and did not deposit any amount as directed by this Court. It is also seen that the first respondent has not filed any extension of time petition so far. Even one of the condition imposed by this Court that on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law. Therefore, the petitioner/defacto complainant made out a case to cancel the anticipatory bail granted to the first respondent/A2. Accordingly, anticipatory bail granted to the first respondent/A2 vide order dated 30.04.2019 in Crl.O.P.(MD)No.13462 of 2018 is hereby cancelled. The second respondent/Police is at liberty to secure the first respondent and proceed in accordance with law.



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4. In the result, this criminal miscellaneous petition is allowed.

sd/-
14/03/2023

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/03/2023

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

GNS

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-4341[I] dated 16/03/2023)

ORDER
IN
CRL MP(MD) No.5215 of 2022
IN
CRL OP(MD) No.13462 of 2018
Date :14/03/2023

PKP/CG/SAR-1/24.03.2023/ **4P/6C**