

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

CRL.O.P. No.32448 of 2014

V.Rajasekaran

... Petitioner

Versus

1. Perumal

2. The Inspector of Police,
District Crime Branch,
Land Grabbing Cell,
Namakkal District.
(Crime No.3/2013)

... Respondents

PRAYER : Criminal Original Petition filed under Section 439(2) of Code of Criminal Procedure, to cancel the bail granted to the first respondent/ accused No.1 in Crl.O.P.No.9711 of 2013 order dated 19.04.2013 pending investigation in Crime No.3 of 2013 on the file of the second respondent.

For Petitioner : Mr. K.G.Senthilkumar

For Respondent : Mr.C.Ayyapparaj
Government Advocate (Crl. Side)

O R D E R

This petition has been filed for cancellation of bail granted to the first respondent by this court in Crl.O.P.No.9711 of 2013 on 19.04.2013.

2. The complaint was lodged by the petitioner alleging that the petitioner and his family members borrowed a sum of Rs.1,20,000/- from the first respondent by mortgaging the property in Survey Nos.54/4 and 57 at Agragara Vazhavanthi Village, Namakkal, in the year 1998 and though subsequently the loan amount was paid to the first respondent by the petitioner the first respondent without handing over the possession of the property, settled the property in favour of his wife. Thus the first respondent grabbed the property of the petitioner. When the first respondent was questioned about the same, he threatened the petitioner with dire consequences and hence complaint was lodged by the petitioner.

3. The Principal Sessions Judge, Namakkal on 09.04.2013, has recorded in the order in C.M.P.No.427 of 2013 that Perumal has mistakenly executed the Settlement Deed in favour his wife and ready to cancel the deed. However, the Principal Sessions Judge, Namakkal, held that the petitioner is not a fit person to enlarge him on bail. The said Perumal, has filed Crl.O.P.No.9711 of 2013 before this court and statement of the said Perumal has been recored in para 4 of the bail order that the accused was willing to cancel the settlement deed executed in favour of wife.

4. The case of the petitioner in the Cancellation of bail petition is that as on date, the said Perumal has not cancelled the settlement deed, even though this court by an order dated 09.04.2013 granted bail imposing the conditions.

5. Notice has been served and since the first respondent Perumal has not appeared before this court, his name has been printed in the cause list, as private notice has been served.

6. Taking note of the fact that the said Perumal has admitted before the Sessions Court as well as before this court that he is willing to cancel he Settlement Deed executed in favour of his wife and the same has not been done as on date, the bail granted to the first respondent is required to be cancelled.

7. Hence, the bail granted to the first respondent in Crl.O.P.No.9711 of 2013 is cancelled and accordingly, this Criminal Original Petition is allowed. ***The Accused/First Respondent is directed to surrender before the learned Magistrate forthwith, failing which, the police shall arrest and remand him to custody.**

Sd/-

Deputy Registrar(J)

Dated : 16.09.2015

***Modified as per Order of this Court dated 06.10.2015 and made in Crl.O.P.No.32448 of 2014**

Sd/- Assistant Registrar(CS IV)

DATED : 08.10.2015

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Inspector of Police,
District Crime Branch,
Land Grabbing Cell,
Namakkal District.
2. The Judicial Magistrate,
Special Court for Land Grabbing,
Namakkal District.
3. The Principal Session Judge,
Namakkal.
4. The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

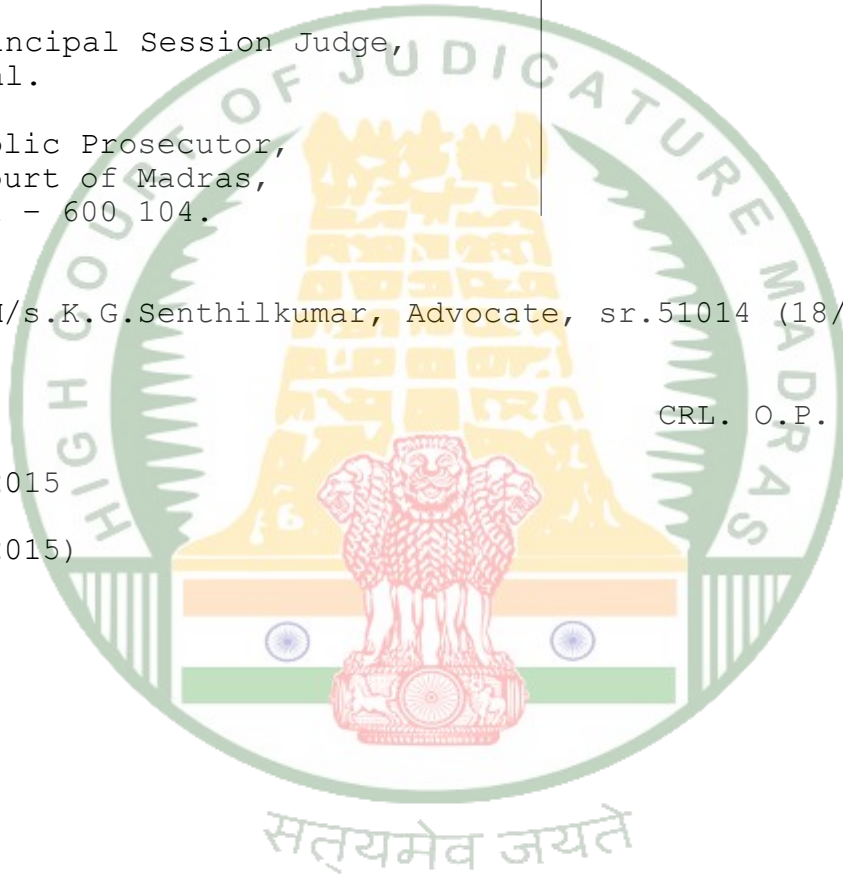
Modified Order to be
Substituted for the Order
already despatched on
05.10.2015

+1 cc to M/s.K.G.Senthilkumar, Advocate, sr.51014 (18/09/2015)

CRL. O.P. No.32448 of 2014

GJ(co)
CP 16/09/2015

CA(08.10.2015)



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