



Crl.O.P.No. 7592 of 2023

Crl.M.P.No.7592 of 2023
in Crl.O.P.No. 9884 of 2023

G.K.ILANTHIRAIYAN, J.

This petition has been filed to cancel the bail granted to the first respondent on the ground that the co-accused was granted bail on stringent condition. However, the first respondent was granted bail without imposing any condition except report before the second respondent for a period of two weeks.

2. The case of the petitioner is that the petitioner purchased the subject property, situated in Valayampalayam Village, Udumalpet District, in the public auction conducted by the District Munsif Court, Udumalpet on 09.06.2008. A sale certificate was also issued. While taking possession of the subject property in the execution proceedings in E.P.No.51 of 2015, the second respondent obstructed the execution and the petitioner was stabbed by the accused persons. Though this Court granted anticipatory bail to the co-accused, it imposed a stringent condition that they should file an affidavit not to cause any hindrance while taking possession of the subject property.

3. Considering the above facts and circumstances of the case, the first respondent is directed to file an undertaking affidavit before the second respondent to the extent that he will not indulge in any activity,



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except due process of law and he will not interfere while taking possession of the subject property in the execution proceedings within a period of two weeks from today. If the first respondent violated the undertaking, the bail granted to the first respondent in CrI.O.P.No.9884 of 2023 dated 04.05.2023 shall stand automatically cancelled and in such on event, the second respondent is directed to secure the first respondent and proceed with in accordance with law.

4. With the above direction, this Criminal Original Petition stands dismissed.

26.07.2023

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