



Crl.O.P.No.15527 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.15527 of 2023

Sultan

.. Petitioner

Versus

1.Naresh Kumar

2.The State rep by.,
The Inspector of Police,
Central Crime Branch, ALGSC-II, Avadi,
Chennai 600 054.
(Crime No.19/2023)

.. Respondents

Prayer: Criminal Original Petition is filed under Section 439(2) of Criminal Procedure Code, to cancel the bail granted in the order dated 23.06.2023 to the 1st respondent / A3 in CMP.No.1062 of 2023 passed by the District Munsif cum Judicial Magistrate, Madhavaram.

For Petitioner : Mr.P.Krishnan

For Respondents : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed to cancel the bail granted in the order dated 23.06.2023 to the 1st respondent / A3 in CMP.No.1062 of 2023 passed by the District Munsif cum Judicial Magistrate, Madhavaram.

2. The learned counsel for the petitioner submitted that he is a defacto complainant prayed to cancel the bail granted in favour of the first respondent / A3 stating that he along with other accused with a criminal conspiracy, executed a fabricated document with an intention to grab the valuable properties belongs to the defacto complainant and also created a bogus title deed. Hence, a complaint was lodged and a case has been foisted against the first respondent and others and he was arrayed as A3. Before the Trial Court, the first respondent filed an application praying bail in CMP.No.981 of 2023. The same was dismissed by the learned Magistrate stating that the investigation was at preliminary stage. Immediately after two days, the first respondent filed an another



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application seeking bail in CMP.No.1062 of 2023. The learned Magistrate without assigning any reason and not considering the gravity of the offence, granted bail to the first respondent. Thereafter, the first respondent failed to co-operate for investigation. Therefore, the petitioner filed this petition for cancellation of bail.

3. By way of reply, the first respondent / third accused submitted that the earlier bail application was dismissed by the Magistrate and thereafter, he filed an another application and the same was allowed for the reason that already the first respondent was arrested and taken for custody by the police. Since the investigation was almost completed, the learned Magistrate granted bail to the first respondent.

4. Heard both sides.

5. The first respondent and the other accused filed an application before the Trial Court for bail. The said application was dismissed. Immediately, another application was filed within two days and the same was allowed by the Magistrate by assigning the reason that the first



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respondent had already been taken for police custody and the investigation was almost completed. This Court is of the view that the reason assigned by the learned Magistrate is an acceptable one.

6. On 01.06.2023, the District Collector, Tiruvallur has conducted an enquiry and in respect of that, the patta stands in the name of the first respondent and others were ordered to be cancelled. Based on the said patta, a settlement deed executed by the father of the petitioner was also cancelled. Therefore, there is no possibility of causing interference by the first respondent.

7. Considering the fact that the documents stands in the name of the first respondent was cancelled, if at all any interference caused by the first respondent, it will put the petitioner to much hardship. Therefore, the first respondent is directed to file an affidavit before the Trial Court that he will not cause interference with the property belonged to the defacto complainant / petitioner, which is the subject matter of this case, within a period of two weeks from the date of receipt of a copy of this order.



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8. With the above observations, this Criminal Original Petition is

disposed of.

11.06.2024

Index: Yes / No

Neutral Citation : Yes / No

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To

1.The District Munsif cum Judicial Magistrate,
Madhavaram.

2.The Inspector of Police,
Central Crime Branch, ALGSC-II, Avadi,
Chennai 600 054.

3.The Public Prosecutor,
Madras High Court,
Chennai.

T.V.THAMILSELVI, J.

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