



Crl.M.P.No.2775 of 2024
in Crl.O.P.No.2896 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.M.P.No.2775 of 2024
in Crl.O.P.No.2896 of 2019

D.Prabhakaran

... Petitioner

Vs.

1.The Sub Inspector of Police,
Vadakkipalayam Police Station, Pollachi Taluk,
Coimbatore.

2.Kanagaraj

3.Vijayalakshmi

...Respondents

Prayer: Criminal Miscellaneous Petition under Section 439(2) of the Criminal Procedure Code to cancel the anticipatory bail to the accused dated 12.02.2019 in Cr.No.50/2018 u/s.420, 468 and 471 of IPC and later altered the FIR and included the 3(2)(Va) of SC and ST (Prevention of Atrocities) Amendment Act, 2015 as directed by this Court in Crl.O.P.NO.2896/2019 on 18.03.2020 and consistently direct the respondent police to evict the accused from the property which belongs to the petitioner and arrest the accused immediately.



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For Petitioner : Ms.T.Sudha Gandhi
For RR1 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The grounds that have been raised by the petitioner seeking for cancellation of the anticipatory bail cannot be basis for cancellation of the anticipatory bail granted in favour of accused persons.

2. The main ground that has been raised is that the accused persons are in possession of panchami lands and they are also using the forged Will to justify their possession in the property. It is brought to the notice of this Court that already the final report has been taken on file and it is pending before the Special Court in S.C.NO.76/2023 and the case is now at the stage of framing of charges. Till date, there is no clarity with regard to the status of the Will that was relied upon by the accused persons and no expert opinion is available.

3. The anticipatory bail granted can be cancelled only on the ground that the conditions imposed by this Court are violated or there are some



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supervening circumstances. Both are absent in the present case and there is no ground to cancel the anticipatory bail granted in favour of the accused persons.

4. In the result, this Criminal Miscellaneous Petition is dismissed.

01.03.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

1.The Sub Inspector of Police,
Vadakkipalayam Police Station, Pollachi Taluk,
Coimbatore.

2.The Public Prosecutor,
High Court, Chennai.



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N.ANAND VENKATESH,J

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