



Crl.M.P.No.15480 of 2024
in Crl.O.P.No.3990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.M.P.No.15480 of 2024

in

Crl.O.P.No.3990 of 2024

Kirubalakshmi

...Petitioner/Defacto Complainant

Vs.

1.Kumaravel

2.Amudha

3.Bharath

...Respondents / Accused 1-3

4.The State represented by
The Inspector of Police,
Ammamet Police Station,
Salem City.
(Crime No.1498 of 2023)

..Respondent/Complainant

PRAYER:

Criminal Miscellaneous Petition is filed under Section 439(2) of Cr.P.C. praying to cancel the anticipatory bail granted to the respondents 1 to 3 / accused 1 to 3 vide order dated 05.03.2024 in Crl.O.P.No.3990 of 2024.



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For Petitioner : Mr.Prasanth Narayanan
For R1 to R3 : Mr.N.Vijaya Baskar
For M/s.Law vision
For R4 : Mr.R.Vinothraja
Govt. Advocate (Crl. Side)

ORDER

The Criminal Miscellaneous Petition has been filed seeking to cancel the order granting anticipatory bail to the 1st, 2nd and 3rd respondents / A1 to A3 in Crl.O.P.No.3990 of 2024 by an order dated 05.03.2024.

2.It had been contended on behalf of the petitioner that inspite of the investigation, the 1st to 3rd respondents / accused had again made attempts to dispossess the petitioner herein. It is also stated that O.S.No.455 of 2022 is also pending before the I Additional District Court, Salem.

3.I am making it very clear that this Court is not rendering any



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finding on possession of the property. That is an exercise exclusive to the trial Court to examine. Now, after investigation, the 4th respondent had filed a final report before the learned Judicial Magistrate – V, Salem. The same had been taken cognizance as C.C.No.1000 of 2024. The burden is on the petitioner to tender proper evidence before the trial Court and the onus is on the respondents to test every evidence produced before the Court. Let the trial proceed. Both the sides had filed affidavits. They are part of the record. But since the Calendar Case is now under active consideration before the learned Judicial Magistrate – V, Salem, it would only be prudent that this Court does not observe anything on the various issues argued before the Court or stated in the affidavits before the Court.

4. With the above observations, this Criminal Miscellaneous Petition stands dismissed.

06.12.2024

smv



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C.V.KARTHIKEYAN. J.

smv

To

- 1.The Inspector of Police,
Ammamet Police Station,
Salem City.
2. The Public Prosecutor,
High Court of Madras.

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