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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

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

Crl.M.P.Nos.308, 309, 311 & 313 of 2024

in

Crl.O.P.Nos.27413, 27411, 27408 & 27406 of 2023

Cause title in Crl.M.P.No.308 of 2024:

P.Raju

... Petitioner / De-facto Complainant

Vs.

1.Dr.Manuel Selvaraj Chrismanu

... 1st respondent / A6

2.State rep. by,
The Inspector of Police,
District Crime Branch,
Erode.

... 2nd respondent / Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C.,
prayed to cancel the order granting anticipatory bail to A6 passed by this
Court in Crl.O.P.No.27413 of 2023 dated 07.12.2023.

Cause title in Crl.M.P.No.309 of 2024:



P.Raju

... Petitioner / De-facto Complainant

Vs.

1.Dr.Kamalakannan

... 1st respondent / A2

2.State rep. by,
The Inspector of Police,
District Crime Branch,
Erode.

... 2nd respondent / Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C.,
prayed to cancel the order granting anticipatory bail to A2 passed by this
Court in Crl.O.P.No.27411 of 2023 dated 07.12.2023.

Cause title in Crl.M.P.No.311 of 2024:

P.Raju

... Petitioner / De-facto Complainant

Vs.

1.S. Palanivel

... 1st respondent / A1

2.State rep. by,
The Inspector of Police,
District Crime Branch,
Erode.

... 2nd respondent / Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C.,
prayed to cancel the order granting bail to A1 passed by this Court in
Crl.O.P.No.27408 of 2023 dated 07.12.2023.



Cause title in CrI.M.P.No.313 of 2024:

P.Raju

... Petitioner / De-facto Complainant

Vs.

1.Arulmurugan Loganathan

... 1st respondent / A3

2.Vijayalakshmi Kumaraswamy

... 2nd respondent / A4

3.State rep. by,
The Inspector of Police,
District Crime Branch,
Erode.

... 3rd respondent / Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C.,
prayed to cancel the order granting anticipatory bail to A3 & A4 passed by
this Court in CrI.O.P.No.27406 of 2023 dated 07.12.2023.

For Petitioner

:Ms. G. Jagadeeswari
(in all CrI.M.Ps)

For official Respondent

:Mr.R.Vinothraja
Govt. Advocate (CrI. Side)
(in all CrI.M.Ps)

COMMON ORDER



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All these four Criminal Miscellaneous Petitions in Crl.M.P.Nos.308, 309, 311 and 312 of 2024 have been filed seeking (i) to cancel the anticipatory bail granted to A6 in Crl.O.P.No.27413 of 2023 by an order dated 07.12.2023, (ii) to cancel the anticipatory bail granted to A2 in Crl.O.P.No.27411 of 2023 by an order dated 07.12.2023, (iii) to cancel the bail granted to A1 in Crl.O.P.No.24708 of 2023 by an order dated 07.12.2023 and (iv) to cancel the anticipatory bail granted to A3 and A4 in Crl.O.P.No.27406 of 2023 by an order dated 07.12.2023.

2.All these petitions relate to Crime No.9 of 2023 registered by the Inspector of Police, District Crime Branch, Erode, for the offences punishable under Sections 120B, 467, 468, 471 and 506(i) of IPC. A1 had been taken into custody on 16.09.2023. Bail was granted to him and for the other accused anticipatory bail was granted. It had been observed in the order dated 07.12.2023 that the accused had cancelled the Sale Deed executed in favour of A2 and had restored the title back to the defacto complainant.



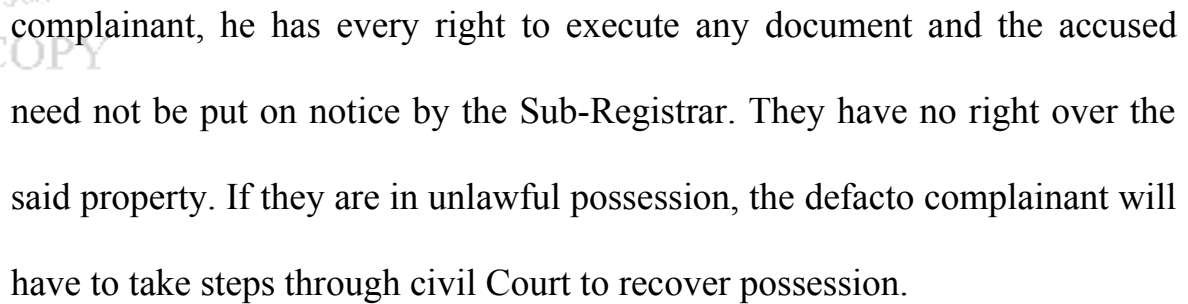
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3.The reason why now the cancellation of bail / anticipatory bail is sought, is that after cancelling the sale deed, the accused have not permitted the defacto complainant to take possession of the lands.

4.It is contended by the learned counsel for the accused that the issue is civil in nature and that therefore the petitioner/defacto complainant will have to take recourse to those proceedings to take possession. One further ground on which the order granting bail or anticipatory bail is sought to be cancelled is that, the accused have given a letter to the Sub-Registrar office not to entertain any document creating encumbrance over the said property.

5.With respect to the first stand namely, that taking possession is an issue relating to civil Court, the stand of the accused may be correct. The defacto complainant, now having the title to the property will have to assert title and take possession only through the civil Court.

6.With respect to the contention that the accused had given letter to the Sub-Registrar Office, since the title is now vested with the defacto



7. In view of these facts, since the conditions under which the bail / anticipatory bail had been granted have been complied with, I am not inclined to cancel the orders granting bail / anticipatory bail dated 07.12.2023, but rather, observe that the defacto complainant is at liberty to execute any document as title holder of the said property.

8. With the above observations, though the reliefs sought are not granted to the petitioner, these Criminal Miscellaneous Petitions stand disposed of.

11.03.2024

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Index : Yes / No
Neutral Citation : Yes / No
Speaking order : Yes / No

To

1. The Public Prosecutor, High Court of Madras.



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2. The Inspector of Police,
District Crime Branch,
Erode.

C.V.KARTHIKEYAN, J.

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Crl.M.P.Nos.308, 309, 311 & 313 of 2024
in
Crl.O.P.Nos.27413, 27411, 27408 & 27406 of 2023

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