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Crl.M.P.No.23665 of 2025 in Crl.O.P.No.11287 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.M.P.No.23665 of 2025
in Crl.O.P.No.11287 of 2025

K. Gajendiran ... Petitioner/ Defacto Complainant

Vs.

1. Ganesan
2. G. Subathirai ... 1st and 2nd Respondents/ Accused

3. The State Rep. By,
The Inspector of Police,
Team No.15, LFIW -I,
Central Crime Branch-I,
Vepery, Commissioner Officer,
Chennai – 600 007.
(Crime No.62 of 2024) ... 3rd Respondent/ Complainant

PRAYER: This criminal miscellaneous petition has been filed under Section 483(3) of BNSS to cancel the anticipatory bail granted to the first respondent herein by this Court, vide order dated 24.06.2024 in Crl.O.P.No.11287 of 2024.

For Petitioner : Mr. D. Samson
For RR 1 and 2 : Mr. H. Yokesh
For Respondent : M/s. J.R. Archana
Government Advocate (Crl. Side)

ORDER



Crl.M.P.No.23665 of 2025 in Crl.O.P.No.11287 of 2025

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This petition has been filed to cancel the anticipatory bail granted to the first and second respondents herein by this Court, vide order dated 24.06.2024 in Crl.O.P.No.11287 of 2024.

2. The learned counsel appearing for the petitioner/ defacto complainant submitted that, the first and second respondents/ accused herein had created fabricated documents over his property, created an encumbrance over the defacto complainant's property with an intention to grab the property and also with the help of rowdy elements, they tried to disturb the peaceful possession of the petitioner herein. Hence a complaint was lodged and a case in Crime No.62 of 2024 has been registered and a civil suit is also filed in O.S.No.630 of 2014; that the accused had filed an anticipatory bail application and this Court, vide order dated 24.06.2024 granted anticipatory bail with one of the conditions that, the petitioners shall file an affidavit before the Trial Court stating that they will not cause any encumbrance or claim any right over the property until the disposal of the proceedings in accordance with law; that subsequently, the accused had filed an affidavit dated 31.07.2024 before the Hon'ble CCB/ CBCID, Additional Metropolitan Magistrate, Egmore, Chennai that, they will not cause any encumbrance or claim any right over the property until disposal



Crl.M.P.No.23665 of 2025 in Crl.O.P.No.11287 of 2025

of the proceedings in accordance with law in respect of the subject property; that whileso, the accused had filed a vexatious suit against the petitioner herein for bare injunction in I.A.No.1 of 2024 in O.S.No.938 of 2024 and obtained injunction order, vide order dated 21.12.2024; that thereby, the accused had violated the anticipatory bail condition and affidavit filed by them, hence prays to cancel the anticipatory bail granted to the first and second respondents herein.

3. Heard the learned counsel for the first and second respondents and the learned Government Advocate (Crl. Side) appearing for the third respondent.

4. Considering the submissions made, the nature of offence, this Court is unable to appreciate the contention of the petitioner herein, since the anticipatory bail was granted to the first and second respondents herein in the month of June 2024 with a condition to file an affidavit before the

K. RAJASEKAR, J.

Trial Court; that subsequently, they had complied with the anticipatory bail conditions and filed an affidavit before the Trial Court. If at all any suppression made by the accused/ first and second respondents herein before the Civil Court, the petitioner herein is at liberty to utilize the said



Crl.M.P.No.23665 of 2025 in Crl.O.P.No.11287 of 2025

affidavit filed by the accused in this case, in the Civil Court for seeking appropriate relief.

4. With the above observations, this criminal miscellaneous petition is closed.

11.12.2025

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To

1. The Inspector of Police,
Team No.15, LFIW -I,
Central Crime Branch-I, Vepery,
Commissioner Officer,
Chennai – 600 007. (Crime No.62 of 2024)
2. The Public Prosecutor,
High Court of Madras.

Crl.M.P.No.23665 of 2025
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