

Mr.IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**CRL MP No. 14588 of 2025 in
Crl.O.P.No.3643 of 2018**

U.Ganesh

..Petitioner(s)

Vs

1. Kabilan
2. The State Rep by,
The Inspector of Police,
District Crime Branch, Kancheepuram District.
(Crime No. 45/2017.)

..Respondent(s)

Prayer:- Criminal Miscellaneous Petition filed under Section 528 of BNSS, pleaded to cancel the Anticipatory Bail granted to the 1st Respondent in Crl.OP.No.3643 of 2018 dated 31.10.2018.

For Petitioner(s):	Mr.J.Saravana Vel
For Respondent(s):	Mr.R.Vinayaga Vishnu for R1 Mr.S.Yogaraja Sekar Government Advocate (Criminal side)

ORDER

This Petition is filed seeking cancellation of anticipatory bail granted to the first respondent in Crl.O.P.No.3643 of 2018 dated 31.10.2018.

2.The learned counsel for the petitioner submits that this Court granted anticipatory bail solely based on the affidavit filed by the first respondent in October 2018. In paragraph No.3 (b) of the said affidavit, it was stated that the defacto-complainant had agreed not to press the complaint in Cr.No.45 of 2017



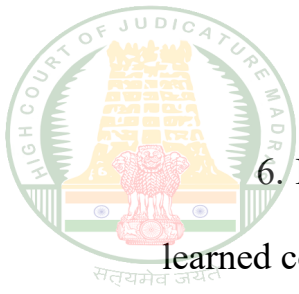
pending on the file of the respondent Police, in the event of the first respondent conveying 7.07 acres of additional land in Survey No.243.

WEB COPY

3.At this juncture, the learned counsel for the petitioner draws attention to the Encumbrance Certificate annexed to the typed set of papers. It is submitted that in the year 2018, the first respondent had no semblance of right over the property in Survey.No.243 and only acquired rights by way of a power of attorney in the year 2019.

4.In response, the learned counsel for the first respondent submits that the main allegation against the first respondent is that he acts as a land aggregator who sells land after aggregation. It is contended that on the date of filing the affidavit, he was in the fond hope of aggregating the land in future, and it was solely on this premise that the affidavit was filed; thus no false affidavit was filed to deceive the petitioner. It is further contended by the learned counsel for the first respondent that as of today he holds the power of attorney to sell the 7.07 acres of land in Survey No.243.

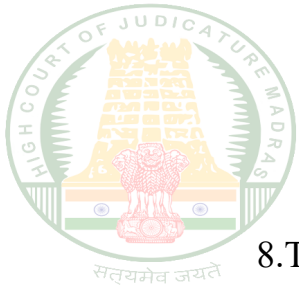
5.At this point, the learned counsel for the petitioner submits that the property in Survey No.243 practically valueless, whereas the petitioner had advanced a payment of Rs.8 crores, out of which the first respondent has to pay Rs.7 crores and this land worth for nothing.



6. I have given my anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

WEB COPY

7. Although there are allegations and counter allegations, the entire issue revolves around the purchase of land and the transaction of money. The first respondent was enlarged on bail in the year 2018, pursuant to the affidavit filed in October 2018. The petitioner has filed this application for cancellation of anticipatory bail on the ground that the first respondent has no rights in Survey No.243 at the time of filing affidavit and only acquired right in 2019. However, this application was filed in the year 2025, after a lapse of nearly seven years. The liberty of the petitioner is sacrosanct and cannot be interfered with lightly. In this case, anticipatory bail was granted based on the affidavit, hence, it is crystal clear that there was an understanding between the petitioner and the first respondent. Taking into consideration the long delay between the grant of anticipatory bail and the filing of this cancellation application and upon the subsequent fact that the first respondent has since obtained a power of attorney for Survey No.243, this Court is of the firm view that there are no grounds exist to cancel the anticipatory bail granted to the first respondent. Consequently, this petition is dismissed.



8.The learned counsel for the petitioner further submits that a charge sheet has been filed and taken on file as C.C.No.462 of 2025 on the file of the learned Judicial Magistrate II, Chengalpattu. Since, the matter is lingering for a considerable time, the trial Court is expected to conclude the trial as expeditiously as possible, preferably within a period of two years from the date of receipt of copy of this order.

12-06-2026

ep

To

1. The Inspector of Police,
District Crime Branch, Kancheepuram District.
- 2.The Public Prosecutor
High Court of Madras.

**CRL MP No. 14588 of 2025 in
Crl.O.P.No.3643 of 2018**