



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 16901 of 2026 and
CRL MP No.11213 of 2026**

1. Elavarasi, W/o.Mohan,
No.1/66, Mariyamman Kovil Street,
Athipakkam Village, Periyakurukkai Post,
Ulundurpet Taluk,
Kallakurichi District - 607 201.
2. Mohan, S/o.Naiyna,
No.67B, North Street,
Athipakkam Village,
Periyakurukkai Post, Ulundurpet Taluk,
Kallakurichi District - 607 201.
3. Velu, S/o.Appavu,
No.1/66, North Street,
Athipakkam Village, Periyakurukkai Post,
Ulundurpet Taluk,
Kallakurichi District - 607 201.
4. Ramesh, S/o.Muniyan,
No.276, South Street,
Athipakkam Village, Periyakurukkai Post,
Ulundurpet Taluk,
Kallakurichi District - 607 201.

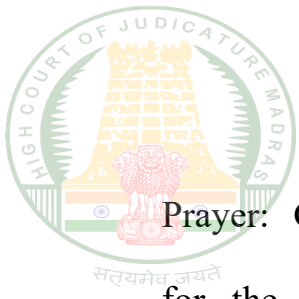
..Petitioner(s)

Vs

The State of Tamilnadu Rep by
The Sub Inspector of Police,
Kalamaruthur Police Station,
Kallakurichi District.

Crime no.34 of 2026.

..Respondent(s)



Prayer: Criminal Original Petition is filed under Section 528 of BNSS to call for the entire records relating to the order dated 10.06.2026 made in CrI.M.P.No.654 of 2026 in CrI.M.P..No.406 of 2026 on the file of the Learned Principal District and Sessions Judge, Kallakurichi and set aside the same and consequently restore the order dated 04.03.2026 granting anticipatory Bail to the petitioners in CrI.M.P.No.406 of 2026 and permit the petitioners to continue on bail with liberty to this Honourable Court to impose such further or other conditions as this Honorable Court may deem fit and proper in the circumstance of the case.

For Petitioner(s): Mr. M.Elumalai

For Respondent(s): Mr.R.Rajasekaran,
Counsel for Govt. of Tamil Nadu
(Criminal Side)

ORDER

This Criminal Original Petition is filed, challenging the order dated 10.06.2026 made in CrI.M.P.No.654 of 2026 in CrI.M.P.No.406 of 2026.

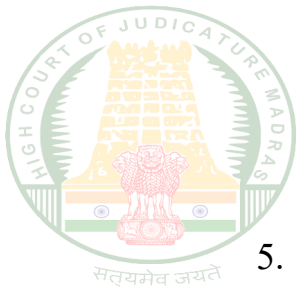
2. Originally, by an order dated 04.03.2026 in CrI.M.P.No.406 of 2026, the petitioners were granted anticipatory bail in Crime No.34 of 2026 registered for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023. However, even though the petitioners surrendered and executed



sureties, they did not comply with the conditions imposed on them to appear before the respondent police at 10.00.a.m. for a period of 30 days. Considering the fact that the petitioners did not comply the condition and appear before the respondent police even for a single day, an application was moved by the prosecution in Crl.M.P.No.654 of 2026, which was allowed and the bail granted to the petitioners was cancelled. Aggrieved by the same, the petitioners have come before this court.

3. The learned counsel for the petitioner submitted that there was a miscommunication between the accused persons and their counsel and the counsel did not inform the petitioners that they should sign before the respondent police every day. As a matter of fact, the investigation has been completed and charge sheet has been filed and the same has been taken on file by the Judicial Magistrate-II, Ulundurpet in C.C.No.193 of 2026 and the next date of hearing in the above case is 13.07.2026. All the petitioners will appear before the Magistrate Court without fail and they will co-operate for Trial.

4. Per contra, learned counsel for Government of Tamilnadu (Crl.side) would submit that when the petitioners were granted anticipatory bail, they were duty bound to comply with the conditions and non compliance entails the cancellation of bail and the Trial Court has rightly exercised its jurisdiction.



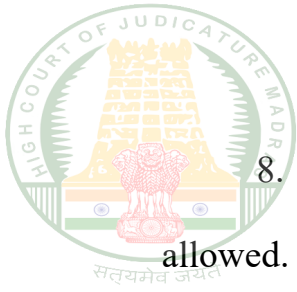
5. I have considered the rival submissions made on either side and perused the material records of the case.

6. No exception can be taken to the findings of the learned Principal Sessions Judge, in as much as the petitioners failed to comply with the condition. However, I take into account only the background of the parties. The very nature of the complaint itself is with reference to the harvesting of Solam (சோளம்) and cultivating in a particular piece of land.

7. Considering the background of the parties, I am of the view that this is not a case, where they should not send back to jail, especially, when the investigation has been completed and charge sheet has been filed. In view thereof, this criminal original petition stands allowed on the following terms.

i) The order dated 10.06.2026 made in Crl.M.P.No.656 of 2026 stands set aside and consequently, instead of cancelling the bail, an opportunity is given to the petitioners to sign before the respondent police for a period of 15 days from the date of receipt of copy of this order.

ii) Additionally, the petitioners shall appear before the Judicial Magistrate-II, Ulundurpet for the hearing in C.C.No.193 of 2026 on 13.07.2026 without fail and cooperate for the conduct of the trial.



8. With the above directions, this criminal original petition stands allowed. consequently, connected miscellaneous petition is closed.

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02-07-2026

Index: Yes/No

Speaking order

Neutral Citation: Yes/No

MST

To

1. The Principal District and Sessions Judge,
Kallakurichi.
2. The Judicial Magistrate-II, Ulundurpet,
3. The Sub Inspector of Police,
Kalamaruthur Police Station,
Kallakurichi District.
2. The Public Prosecutor,
Madras High Court.



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CRL OP No. 16901 of 2



D.BHARATHA CHAKRAVARTHY, J.

MST

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