



8IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 20153 of 2026

Saka @ Srinivasan
No.182,Bajanai Koil Street,
Keevalur Village,
Sriperumbudur Taluk,
Kancheepuram District.

..Petitioner(s)

Vs

The State rep by the Inspector of Police
C1 Sriperumbudur Police Station,
Kancheepuram District.
Crime no.238 of 2026.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to Set aside the Lower Court Cancellation of Bail order on the file of the Judicial Magistrate Court, Sriperumbudur in Criminal Miscellaneous Petition in Crl.M.P.No.1039 of 2026 dated 09.07.2026 and pass such further or other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

For Petitioner(s): Mr.A.Tamilselvan

For Respondent(s): Mr.R.Rajasekaran
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The prayer in the Criminal Original Petition is to set aside the order dated 09.07.2026 in Crl.M.P.No.1039 of 2026. By the said order the learned Judicial



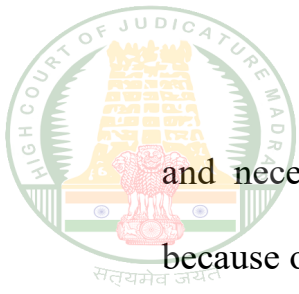
Magistrate, Sriperumbudur, had cancelled the bail granted to the petitioner.

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2. The petitioner is an accused in Crime No.238 of 2026 which is registered for the offenses under sections 296 (b), 109 (1) and 351 (3) of BNS, 2023. When the petitioner approached this Court for grant of bail, by an order dated 20.05.2026 in Crl.O.P.No.13348 of 2026, he was enlarged on bail with a condition to stay at Villupuram and report before the learned Judicial Magistrate No.I, Villupuram daily at 10:30 AM and 5:30 PM until further orders.

3. It is stated that the petitioner thereafter moved a petition before this Court in Crl.M.P.No.9870 of 2026 to modify the said condition. The same was dismissed. Since the petitioner did not comply with the condition, an application is moved on behalf the prosecution before the learned Judicial Magistrate, Sriperumbudur, and the learned Judicial Magistrate has cancelled the bail.

4. The learned counsel for the petitioner would submit that when he moved an application for modification, it was orally observed that he can comply with the condition at least for a week and the petitioner also thereafter complied with the condition. The learned counsel for the petitioner would further submit that the petitioner had an intercaste marriage and he is only taking care of his wife who is now pregnant and any day the delivery is expected and even as on today the wife is admitted into the hospital. It is just



and necessary, the petitioner should be there along with his wife and only because of taking care of his wife he did not comply with the condition.

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5. The learned counsel for Government of Tamilnadu (Crl.Side) would submit that the petitioner is so far involved in 14 cases. He has been convicted in two NDPS cases and has paid the fine amount. Out of the other cases eight cases relate to NDPS Act. The petitioner is also involved in another case for an offence under section 392 of IPC and yet another case under Section 25 (1A) of the ARMS Act. In the said background when the petitioner is not even complying with the condition, the prosecution has rightly moved the application for cancellation of bail, the Trial Court has rightly cancelled the bail.

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

7. When a condition was imposed and it was expressly refused to be modified by this Court, no exception can be taken for the Trial Court in cancelling the bail. However this Court is exercising the extraordinary power only considering the humanitarian plea that is made on behalf the learned counsel for the petitioner, when it is stated that there was an intercaste marriage and the petitioner has to take care of his wife who said to be in labour pain as of today, I am of the view that one opportunity can be granted to the petitioner. I



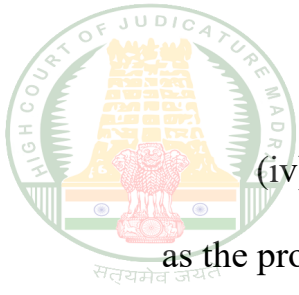
am also taking into account both the previous cases and also the present case which is registered one under under sections 296 (b), 109 (1) and 351 (3) of BNS, 2023, even though the petitioner is a repeat offender, and normally this Court will not extend the humanitarian grounds to such repeated offenders, only considering the plea made by the learned counsel for the petitioner as an extraordinary request, this Court is inclined to excise its power.

8. In view thereof, this Criminal Original Petition stands allowed on the following terms:-

(i) the order dated 09.07.2026 made in Crl.M.P.No.1039 of 2026 shall stand set aside;

(ii) the petitioner is granted time for 30 days to be along with his wife and thereafter the petitioner shall stay at Villupuram and report before the respondent - Police for a period of 45 days;

(iii) it is made clear that this order will work itself out automatically, if the petitioner does not comply with the condition and the order of the learned Judicial Magistrate, Sriperumbudur, made in Crl.M.P.No.1039 of 2026 dated 09.07.2026 will come into force and the petitioner will be taken into custody, if he is not obeying with the present order;



(iv) additionally the petitioner shall cooperate for the investigation as well as the progress of the other cases which are now pending against him.

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30-07-2026

Neutral Citation: No

JER

To

1. The Judicial Magistrate, Sriperumbudur.
2. The Judicial Magistrate – I, Villupuram.
3. The Inspector of Police
C1 Sriperumbudur Police Station,
Kancheepuram District.
Crime no.238 of 2026.
4. The Public Prosecutor
High Court of Madras.



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CRL OP No. 20153 of 2



D.BHARATHA CHAKRAVARTHY, J.

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CRL OP No. 20153 of 2026

30-07-2026