



WEB COPY

CRL OP No. 32130 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MRS.JUSTICE S.ALLI

CRL OP No. 32130 of 2025

Mani Babu
S/o.Murugan,
Srivalli Nagar, 1st Street,
Nilakottai, Dindigul District.

..Petitioner(s)

Vs

State Rep. by
The Inspector of Police,
F-2, Egmore Police Station,
Chennai.
Cr.No.90/2025

..Respondent(s)

PRAYER : Petition filed under Section 528 of BNSS, to set aside the Order dated 16.04.2025 made in CrI.M.P.No.3610/2025 on the file of the XIV Metropolitan Magistrate, Egmore, Chennai by allowing this Criminal Original Petition.

For Petitioner(s): Mr.B.Govindaprabu

For Respondent(s): Mrs.R.S.Indira, Govt. Advocate (Crl.Side)

Order

This Criminal Original Petition has been filed to set aside the order dated 16.04.2025 in CrI.M.P.No.3610 of 2025 on the file of XIV Metropolitan Magistrate, Egmore, Chennai.



2. The learned counsel for the petitioner would submit that the petitioner / accused-2 was originally granted bail by XIV Metropolitan Magistrate in Crl.M.P.No.1842 of 2025 on 14.02.2025, on condition to appear and sign before the respondent police viz., F-2, Egmore Police Station, Chennai, daily until further orders. But, due to the serious illness of the petitioner / accused-2, he could not comply with the condition and therefore, the bail granted to the petitioner was cancelled by XIV Metropolitan Magistrate on 16.04.2025 in Crl.M.P.No.3610 of 2025. The learned counsel would further submit that the petitioner has submitted a doctor certificate to prove his illness and also for his inability to comply with the condition imposed by the Court. Subsequently, he has moved anticipatory bail application before the Principal Sessions Court, Chennai and also before the High Court and the same were dismissed. However, considering the illness of the petitioner / accused-2, the order dated 16.04.2025 made in Crl.M.P.No.3610 of 2025 has to be set aside.

3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that though the petitioner was granted bail with condition, he has not abided by the condition atleast for a single day. No sufficient reason has been stated by the petitioner for non-compliance of the condition imposed by the Court and till date he is absconding. Therefore, the order dated 16.04.2025 made in Crl.M.P.No.3610 of 2025, need not be set aside as prayed by the petitioner.



4. Heard both sides and perused the documents and materials available on record.

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5. The petitioner / accused-2 faced a case under Sections 296(b), 115(2), 118(2) and 351(3) of BNS, 2023 and he was remanded to judicial custody. The petitioner was granted bail by XIV Metropolitan Magistrate, Egmore, Chennai, on 14.02.2025 with a condition to appear and sign before F-2 Egmore Police Station, Chennai, daily until further orders.

6. It is admitted by the petitioner / accused-2 himself that he has not abide the condition imposed by the Court for his bail, till date. It is the contention of the petitioner that he was suffering from a serious illness and therefore, he could not abide the condition and in order to support the same, he has also produced the prescription issued by the Government Primary Health Centre, North Madurai, Palani, issued on 20.02.2025.

7. Since the petitioner did not abide by the condition, the respondent has moved the Trial Court for cancellation of bail, wherein, notice has been issued to the petitioner and at the time of arguments, the learned counsel for the petitioner has submitted before the Trial Court that the Court can pass orders as he has no instructions from the petitioner. In view of the same, the bail order granted by XIV Metropolitan Magistrate, Egmore, Chennai, was quashed on 16.04.2025 in CrI.M.P.No.3610 of 2025.



8. If the petitioner had really suffered from a serious illness and could not abide by the condition imposed by the Court, he ought to have represented the same before the Trial Court or atleast, he could have stated the said reason before the Trial Court in the bail cancellation petition. No sufficient reason has been stated by the petitioner for non-compliance of the order of the Trial Court. Having failed to comply with the condition imposed by the Trial Court, not representing the same before the Court concerned and also not effectively participating in the proceedings in the bail cancellation petition, shows that the petitioner has acted in a lethargic manner in complying the order of the Court.

9. By considering all these factors, this Court is of the view that the order dated 16.04.2025 made in Crl.M.P.No.3610 of 2025 by XIV Metropolitan Magistrate, Egmore, Chennai, cannot be set aside as prayed by the petitioner.

10. In the result, this Criminal Original Petition is dismissed.

20-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSK



To

The Inspector of Police,
F-2, Egmore Police Station,
Chennai.



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S.ALLI J.

GSK

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