

***CRL OP(MD) NO. 10877 of 2026***

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 15-07-2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**CRL OP(MD) NO. 10877 of 2026**

State of Tamil Nadu Rep. by,  
The Inspector of Police,  
Thiruppuvanam Police Station,  
Sivagangai District.  
(Crime No.546 of 2020)

Petitioner(s)

Vs

Nithish @ Nithish Kumar

Respondent(s)

**For Petitioner(s):**

Mr.T.Lenin Kumar  
Counsel for State of TN (Crl. Side)

**For Respondent(s):**

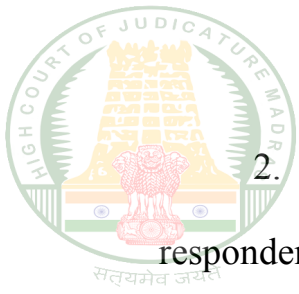
No appearance

**Prayer:**

To cancel the bail granted to respondent/petitioner/accused No.2 by the learned Principal District and Sessions Judge, Sivagangai District in Crl.M.P.No. 288 of 2021 dated 08.02.2021.

### **ORDER**

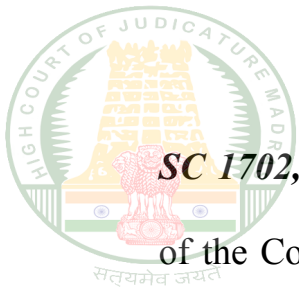
The State has come forward with this petition seeking cancellation of bail granted to the respondent in Crl.M.P.No.288 of 2021 dated 08.02.2021 on the file of the learned Principal District and Sessions Judge, Sivagangai.



2. The learned counsel for the State (Crl. Side) submitted that the respondent was arrested in Crime No.546 of 2020 for the alleged offences under Section 302 of IPC @ 147, 148, 302 of IPC r/w 120(b) of IPC @ 147, 148, 302 r/w 120(b) and 212 of IPC, on the file of the Inspector of Police, Thiruppuvanam Police Station, Sivagangai District and he was released on bail by the Sessions Court in Crl.M.P.No.288 of 2021 by order dated 08.02.2021. However, after released on bail, the respondent was involved in 15 cases including three murder cases and hence, the learned counsel prays to cancel the bail granted to the respondent herein.

3. Though notice was served on the respondent and his name is printed in the cause list, he has not come forward to either appear in person or represented through a counsel.

4. On careful perusal of the order passed by the Sessions Court, it is seen that the respondent was released on bail by order dated 08.02.2021. I have also gone through the list of cases furnished by the State, involving the respondent. It shows that the respondent, after released on bail, was involved in 15 other cases including the offence under Section 302 IPC in Crime No.547 of 2020 on the file of the Thiruppuvanam Police Station, Sivagangai, Crime No.590 of 2021 on the file of the Paramakudi Police Station, Ramanathapuram District, Crime No.26 of 2023 on the file of the Othakadai Police Station, Madurai District. The Apex Court in *State of Karnataka Vs. Sri Darshan etc.*, reported in **2025 SCC OnLine**



**SC 1702**, has elaborately discussed all the previous legal positions and approach of the Courts while considering the annulment of bail orders, cancellation of bail by observing as follows:

*"(B) Cancellation of bail*

**18.10.** *As per Halsbury's Laws of England, the grant of bail does not set the accused at liberty in the absolute sense but merely shifts custody from the State to the sureties. Consequently, cancellation of bail entails an assessment of whether the accused has abused the liberty so conferred.*

**18.11.** *In Dolat Ram v. State of Haryana (supra), this Court delineated broad, though not exhaustive, grounds justifying cancellation of bail, including:*

- *Interference or attempt to interfere with the due course of justice;*
- *Evasion of justice;*
- *Abuse of the concession of bail;*
- *Likelihood of the accused fleeing from justice.*

**18.12.** *In Abdul Basit v. Abdul Kadir Choudhary, (2014) 10 SCC 754, this Court elaborated the circumstances in which bail granted under Section 439(2) of Cr.P.C. may be cancelled, including where the accused:*

- *engages in similar criminal activity post-bail;*
- *interferes with or obstructs the investigation;*
- *tampers with evidence or influences witnesses;*
- *intimidates or threatens witnesses;*
- *attempts to abscond or evade judicial process;*
- *becomes unavailable or goes underground;*
- *violates the conditions imposed or evades the control of sureties."*

5. In this case, the respondent, after released on bail, has misused the liberty and involved in continuous criminal cases including three murder cases and if the



respondent is allowed to enjoy the bail, it is clear case of abuse of process of Court, this Court is of the view that it is a fit case to cancel the bail. Accordingly, the bail granted to the respondent by the learned Principal Sessions Judge, Sivagangai, in CrI.M.P.No.288 of 2021 dated 08.02.2021, stands cancelled and the respondent shall surrender before the Trial Court within a period of two weeks from today, failing which, the police shall take steps to secure the accused.

6. Accordingly, this Criminal Original Petition is allowed.

**15-07-2026**

Lm

To

1.The Principal District and Sessions Judge,  
Sivagangai.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court.



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**K.RAJASEKAR, J.**

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Crl.O.P.(MD).No.10877 of 2026

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