

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

CrI.R.C.No.282 of 2017

and

CrI.M.P.No.2842 of 2017

1.Manikandaprabhu
2.Ponnusamy

... Petitioners/Accused No.2

Vs.

The State rep. By
Deputy Superintendent of Police,
Udumalpet Sub-Division,
Tiruppur District.

... Respondent /Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.
to quash the bail cancellation order of the Principal Sessions
Judge, Tiruppur in Cr.M.P.No.1347 of 2016 in Cr.M.P.No.1115 of
2016 dated 01.12.2016.

For Petitioners: Mr.T.Ganesan

For Respondent : Mr.M.Mohamed Riyaz,
Govt. Advocate (CrI. Side)

ORDER

This revision challenges the cancellation of bail granted
to the petitioners effected under order of the learned Principal
Sessions Judge, Tiruppur passed in Cr.M.P.No.1347 of 2016 in
Cr.M.P.No.1115 of 2016 on 01.12.2016.

2.Heard the learned counsel for petitioners and the learned
Government Advocate (CrI. Side) for respondent.

3.This Revision is allowed on the sole ground that in considering cancellation of bail, the Court below has not caused notice to the petitioners/accused and afforded them an opportunity to challenge the same. Cr1.M.P.No.1347 of 2016 is remitted to Court below for consideration afresh. This Court would observe that Courts should go slow in cancelling orders of bail since considerations for grant of bail and considerations for cancellation thereof totally are different. Court below should consider the possibility of affording accused an opportunity to comply with the order of bail earlier made by it. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Udumalpet Sub-Division,
Tiruppur District.

2.The Principal Sessions Judge,
Tiruppur.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Ganesan, Advocate SR.No.13877

सत्यमेव जयते

Cr1.R.C.No.282 of 2017

SDR 21.03.2017

WEB COPY