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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28.01.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC(MD)Nos.817, 824 and 970 of 2019

and

Crl.MP(MD)Nos.495 to 497 of 2020

1.Crl.RC(MD)No.817 of 2019:

V.K.Gurusamy

: Petitioner/A1

Vs.

State through
The Inspector of Police,
Thallakulam (L & O) Police Station,
In Crime No.228 of 2017

: Respondent/Complainant

Prayer: Criminal Revision filed under sections 397 and 401 of the Code of the Criminal Procedure against the order passed by the Principal Sessions Judge, Madurai, in Cr.M.P.No.4027 of 2018, dated 27.08.2019 cancelling the anticipatory bail granted in Crl.MP No.226 of 2018, dated 01.06.2018.

2.Crl.RC(MD)No.824 of 2019:

V.K.G.Mani

: Petitioner/A2

Vs.

State through
The Inspector of Police,
Thallakulam (L & O) Police Station,
In Crime No.228 of 2017

: Respondent/Complainant

Prayer: Criminal Revision filed under sections 397 and 401 of the Code of the Criminal Procedure against the order passed by the Principal Sessions Judge, Madurai, in Cr.M.P.No.4030 of 2018, dated 27.08.2019 cancelling the anticipatory bail granted in Crl.MP No.226 of 2018, dated 01.06.2018.

3.Crl.RC(MD)No.970 of 2019:

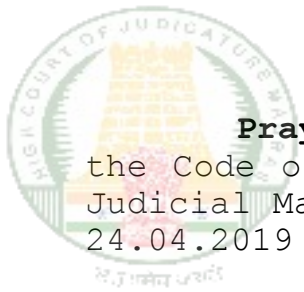
- 1.V.K.G.Mani
- 2.Bavvan @ Palani Murugan
- 3.Kanakkan @ Muniasamy
- 4.Alaguraja @ Raja

: Petitioners/A1, A4 to A6

Vs.

State through
The Inspector of Police,
E-3, Anna Nagar (L & O) Police Station,
In Crime No.1109 of 2017.

: Respondent/Complainant



Prayer: Criminal Revision filed under sections 397 and 401 of the Code of the Criminal Procedure against the order passed by the Judicial Magistrate No.VI, Madurai, in CrI.MP No.1272 of 2019, dated 24.04.2019 cancelling the bail granted to the petitioners.

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For Petitioner
(in all cases)

: Mr.J.William Christopher

For Respondent
(in all cases)

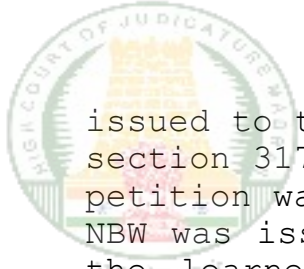
: Mr.V.Neelakandan
Additional Public Prosecutor

COMMON JUDGMENT

CrI.RC(MD)Nos.817 and 824 of 2019 have been filed against the orders passed by the Principal District and Sessions Judge, Madurai, in Cr.M.P.Nos.4027 and 4030 of 2018, dated 27.08.2019 respectively, whereas CrI.RC(MD)No.970 of 2010 is directed against the order passed by the Judicial Magistrate No.VI, Madurai, in CrI.MP No.1272 of 2019, dated 24.04.2019.

2.The case of the petitioners CrI.RC(MD)Nos.817 and 824 of 2019/A1 and A2 is that the respondent police registered a case in Crime No.228 of 2017 under "Man Missing" and later altered the same into under sections 364, 302, 120(b) and 201 IPC, based on the complaint given by one Sampath on 07.02.2017. The petitioners/A1 and A2 were granted bail by the Judicial Magistrate No.II, Madurai on 23.03.2018 in CrI.M.P.Nos.265 and 266 of 2018. Subsequently, the respondent police filed petition before the Judicial Magistrate No.II, Madurai, in CrI.MP No.1117 of 2018 for cancellation of bail. The learned Magistrate allowed the said petition on 20.03.2018. Against which, the petitioners moved before the Principal District and Sessions Judge, Madurai, by filing in CrI.MP Nos.4027 and 4030 of 2018 on the ground that the petitioners/A1 and A2 alleged to have involved in several cases. The learned Principal District and Sessions Judge, Madurai, allowed the petitions filed by the respondent respondent on 27.08.2019 and cancelled the bail granted to the petitioners/A1 and A2. Aggrieved by the said orders, the petitioners/A1 and A2 are before this court.

3.The case of the petitioners in CrI.RC(MD)No.970 of 2019/A1, A4 to A6 is that the respondent police registered a case in Crime No.1109 of 2019 against them under Man Missing @ 365 IPC @ 147, 148, 365, 302, 120(b) and 201 IPC and the petitioners 1 and 2 were arrested by the respondent police and remanded to judicial custody on 20.06.2017 and the petitioners 3 and 4/A5 and A6 were voluntarily surrendered before the Judicial Magistrate, Usilampatti on 22.06.2017. The petitioners 1 and 2 were granted bail by the Principal District and Sessions Judge, Madurai on 18.09.2017 and the petitioners 3 and 4 were also granted bail on 21.09.2017. After completion of the investigation, final report has been filed and the same was taken as PRC No.92 of 2018 on 16.08.2018 and summons were



issued to the accused persons. The petitioners filed petition under section 317 of Cr.P.C to condone the absence on 06.03.2019. The said petition was dismissed by the Judicial Magistrate No.VI, Madurai and NBW was issued on the same day. The petitioners surrendered before the learned Judicial Magistrate No.VI, Madurai on 03.04.2019 and sought to recall the warrant issued against them. The said petition was allowed with a condition that the petitioners shall appear and sign before the same court daily at 10.30 am until further orders. The respondent police filed a petition in Cr.MP No.1272 of 2019 before the Judicial Magistrate No.VI, Madurai to cancel the bail granted to the petitioners on the ground of violation of conditions imposed on them while recalling NBW. The learned Magistrate allowed the petition on 24.04.2019, thereby cancelled the bail bonds. Aggrieved the said order, the petitioners are before this court.

4.The learned counsel for the petitioners submitted that the impugned orders passed by the court below are sheer violation of natural justice and against the well settled principle of law and suffered with irregularity of procedure and there is no apparent and legitimate ground to cancel the bail granted to the petitioners and there is no violation of condition imposed on the petitioners and the petitioners are ready to comply with any condition imposed on them.

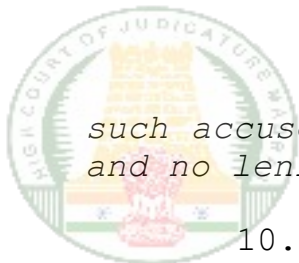
5.On the other hand, the learned Additional Public Prosecutor appearing for the respondent/State argued that the petitioners did not comply with the condition regularly and there were several cases filed against the petitioners and if at the petitioners are enlarged on bail, once again, the respondent police will be put to irreparable hardship and prays for dismissal of the criminal revisions.

6.Heard both side and perused the materials available on record.

7.It is seen from the records that already the petitioners were granted bail with certain conditions and they have been regularly complying with the conditions. On the other hand, it is stated on the side of the prosecution that the petitioners did not comply with the conditions regularly. However, no document was filed on the side of the prosecution for non-complying the conditions imposed on the petitioners.

8.A perusal of the records would show that the petitioners/accused are having several previous cases and even after obtaining anticipatory bail, they are continuously indulging in serious offences.

9.At this juncture, it is relevant to refer the decision reported in **2018 (3) SCC 187 (Lachhman Dass Vs. Mohinder Pal Clair and another)**, wherein the Hon'ble Supreme Court has held that "*the accused having obtained Bail/Anticipatory bail is indulging in similar type of offence, then the Bail/Anticipatory bail granted to*



such accused must be cancelled at the 1st instance and no discretion and no leniency to be shown against such person."

10. On coming to the instant case on hand, the petitioners are having several previous cases including murder case and they are pending and they have also involved in criminal activities in various jurisdictions, when they were enlarged on anticipatory bail.

11. Keeping in view of the law laid down in the decision referred supra and also considering the facts and circumstances of the case, this court is of the considered view the impugned orders does not call any interference by this court.

12. In the result, the criminal revisions are **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar (CS)

er
To,

1. The Principal District and Sessions Judge,
Madurai.

2. The Judicial Magistrate No. VI,
Madurai.

3. The chief Judicial Magistrate, Madurai.

4. The Inspector of Police,
Thallakulam (L & O) Police Station, Madurai.

5. The Inspector of Police,
E-3, Anna Nagar (L & O) Police Station, Madurai.

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

Cr1.RC(MD) Nos. 817, 824 and 970 of 2019

and

Cr1.MP(MD) Nos. 495 to 497 of 2020

28.01.2020

VB(11.02.2020) 4P 7C