

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6863 of 2021
and Crl.M.P.No.4546 of 2021

Stephenraj @ Pottu, (M/aged 22 years)
S/o.Irudhayaraj

...Petitioner

Vs.

The State rep
The Inspector of Police,
Sankar Nagar Police Station,
No.16, 22nd Street, Sankar Nagar,
Pammal, Chennai- 600 075.

....Respondent

Prayer: The Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order of cancellation of bail passed by the Principal Sessions Judge of Kancheepuram District, Chengalpattu in Crl.M.P.No.3025 of 2020 dated 06.03.2021.

For Petitioner : Mr.M.Mohammed Rafi

For Respondent : Mr.Kritika kamal.P
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking to set aside the order of cancellation of bail passed by the Principal Sessions Judge of Kancheepuram District, Chengalpattu in Crl.M.P.No.3025 of 2020 dated 06.03.2021.

2. Earlier, the petitioner was granted bail by the Principal Sessions Judge, Kancheepuram, Chengalpattu District in Crl.M.P.No.246 of 2019 in Crime No.10 of 2019 and subsequently, the petitioner has involved in another Crime No.821 of 2020 for which, the respondent police filed a cancellation of bail, on the ground that the petitioner has involved in yet another crime, thereby, the Sessions Court cancelled the bail granted to the petitioner. Challenging the same the present petition has been filed.

3. The learned counsel for the petitioner submits that earlier occasion, the trial Court had granted bail to the petitioner, dated 04.02.2019 in Crime No.10 of 2019. However, there is no specific condition was imposed on the petitioner not to involve in any other crime. The petitioner was detained under Act 14 and he was produced on PT warrant. This Court by an order dated 13.10.2020 granted bail to the petitioner in Crl.O.P.No.16035 of 2020, the petitioner has also narrated the earlier involvement in other cases. The same is observed in paragraph 4 of the above order : -

''4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner along with two other accused had waylaid the defacto complainant at knife point and robbed an amount of Rs.600/- from him. He would submit that apart from this case the petitioner has involved in five other cases. Hence, he opposed to grant bail to the petitioner.''

Subsequent to registration of other case, the State has filed petition for cancellation of bail in Crl.M.P.N.3025 of 2020 in Crl.MP.No.246 of 2019. The trial Court without going into the fact that this Court has recorded the earlier antecedents and granted bail to the petitioner, erroneously allowed the petition by cancelling the bail granted to the petitioner in Cr.No.10 of 2019.

4. The learned Government Advocate (Crl.Side) would submit that it is not in dispute with the facts narrated by the learned counsel for the petitioner.

5. The case is not in dispute, earlier the petitioner was granted bail by the Sessions Court in Crime No.10 of 2019 in Crl.M.P.No.246 of 2019 and subsequently, the involvement of the petitioner in another crime No.821 of 2020. The trial Court has not imposed and specific condition that if the petitioner involve in any other crime, the bail granted will be cancelled. This Court is inclined to set aside the order dated 06.03.2021 made in Crl.M.P.3025 of 2020 in Crl.MP.No.246 of 2019 for the simple reason the non mentioning of any specific condition in the bail order. Further, this Court granted bail in subsequently Cr.No.821 of 2020 in Crl.O.P.No.16035 of 2020 on 13.10.2020 and the Trial Court without considering bail granted by this Court cancelled the bail on the ground of subsequent involvement which is in-correct.

6. In view of the above, this Criminal Original Petition is allowed by setting aside the order in Crl.M.P.No.3025 of 2020 in Crl.M.P.No.246 of 2019 passed by the Principal District and

Session Judge, Kancheepuram, Chengalpattu District.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

msrm

To

1.The Principal Sessions Judge,
Kancheepuram, Chengalpattu District.

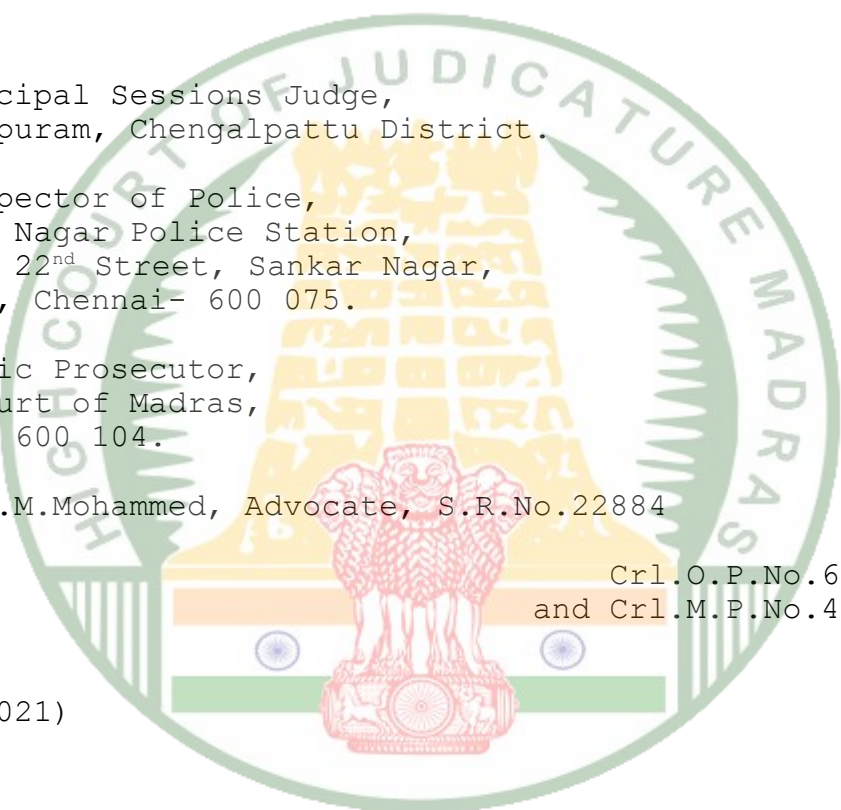
2. The Inspector of Police,
Sankar Nagar Police Station,
No.16, 22nd Street, Sankar Nagar,
Pammal, Chennai- 600 075.

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.M.Mohammed, Advocate, S.R.No.22884

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PMK (CO)
CB(18/05/2021)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green trees. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. Below the gopuram, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script. The entire seal is overlaid with a large, semi-transparent "WEB COPY" watermark.

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