



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 12.11.2021

Delivered On : 02.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.675 of 2021

Manoj @ Manoranjith

.. Petitioner/Accused

Vs.

State Represented by its,
Inspector of Police,
Vengamedu Police Station, Karur.
Crime No.156 of 2019

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records and to set aside the order passed by the learned Judicial Magistrate Court No.I, Karur in C.M.P.No.1065 of 2021 dated 11.08.2021.

For Petitioner	: Mr.K.Sivabalan
For Respondent	: Mr.R.M.Anbu Nithi
	Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1065 of 2021 dated 11.08.2021, on the file of the learned Judicial Magistrate No.I, Karur.

2.The case of the petitioner is that a case in Crime No.156 of 2019 was registered against the petitioner under Section 294(b) and 302 of IPC. The petitioner filed a petition in Cr.M.P.No.4602 of 2019 before the Judicial Magistrate No.I, Karur and he was released on bail under Section 167(2) of Cr.P.C., on certain conditions, in which, the second condition is that the petitioner was directed to appear before the concerned Investigation Officer at 10.00 a.m., on all working days. As the petitioner has violated the condition, the respondent police has filed a petition in Cr.M.P.No.1065 of 2021 for cancellation of the bail and that

<https://hsevtscourt.mys.gov.in/web-services/>



cancelled. Warrant was issued and the petitioner was detained in jail. Against the cancellation of the bail order, the petitioner has come forward with this revision case.

3. On the side of the petitioner, it is stated that the trial Court wrongly cancelled the bail order without considering that the bail order was granted two years prior to the date of cancellation of the order and the accused was appearing before the Court regularly. It is wrong to state that the accused breached the bail condition. Sufficient opportunity to contest the cancellation petition was not given to the petitioner. The petitioner was not given legal assistance. The bail was granted under Section 167(2) of Cr.P.C., cannot be cancelled by the Magistrate and prayed the order to be set aside.

4. On the side of the respondent, it is stated that NBW was pending against the petitioner. The petitioner is having 10 previous cases. Out of 10 previous cases, six cases are pending and they are grievous in nature. The petitioner is a habitual offender and prayed the revision to be dismissed.

5. A perusal of the records reveals that the NBW was pending against the petitioner in P.R.C.No.5 of 2020. NBW was issued on 30.07.2021 and the petitioner was remanded to judicial custody on 02.08.2021. It is true that the petitioner has violated the bond conditions and he failed to appear before the Court.

6. Considering the previous antecedents of the petitioner and considering the fact that the NBW was pending against the petitioner, this Court is not inclined to set aside the impugned order. The petitioner is at liberty to file fresh bail petition before the trial Court.

7. In view of the above, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MRN

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.courts.gov.in/hcservices>



To

1.The Judicial Magistrate No.I, Karur.

2.The Inspector of Police,
Vengamedu Police Station, Karur.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-37138[F] dated
02/12/2021)

Crl. R.C.(MD)No.675 of 2021
02.12.2021

RK(14/12/2021) 3P 5C