



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI O.P. (MD)No.18464 of 2021

WEB COPY

Sridharan ... Petitioner/Respondent/Accused No.1

Vs.

The State represented by
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai,
Pudukottai District.
(Crime No.77 of 2020)

... Respondent/Petitioner/
Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., pleased to call for the records and set aside the order dated 29.07.2021, passed Cr.M.P.No.2504 of 2021 on the file of the Principal District and Sessions Court, Pudukottai.

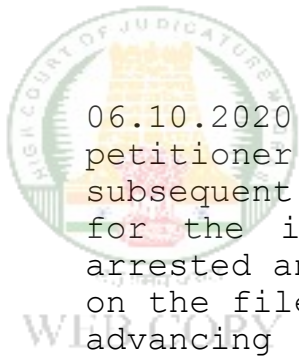
For Petitioner : Mr.N.Pragalathan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner herein was arrested in connection with Crime No.77 of 2020 registered on the file of the Sub Inspector of Police, Ganesh Nagar Police Station, Pudukottai District. He was granted bail. He was also detained under the Tamil Nadu Act 14 of 1982. Later the detention order was set aside. While so, the petitioner was involved in yet another case, namely, in Crime No.314 of 2021 for the offences under Section 392, 397 and 506(2) IPC. He was arrested and released on bail. In view of his involvement in the subsequent case, the prosecution filed Cr.M.P.No.2504 of 2021 for cancelling the bail granted in Crime No. 77 of 2020. The Court below, by the impugned order dated 29.07.2021 allowed the petition for cancelling the bail. Challenging the same, this Criminal Original Petition came to be filed.

2. It is not the case of the prosecution that the petitioner had breached the bail condition set out in the order dated



06.10.2020 in Cr.M.P.3720 of 2020. The only ground on which the petitioner's bail was cancelled was his involvement in the subsequent case in Crime No.314 of 2021. It is not in dispute that for the involvement in the subsequent case, the petitioner was arrested and released on bail. Since both the cases were registered on the file of the same Police, nothing stopped the prosecution from advancing the contention that in view of the petitioner's bad antecedents, he should not be granted bail in Crime No.314 of 2021. The fact remains that the petitioner was granted bail in the subsequent case. Therefore, the prosecution could not have maintained the petition for cancellation of bail. It is stated that when the petition for cancellation of bail was moved, the petitioner was in custody in connection with yet another case, namely, Crime No.622 of 2021. That is how an Amicus Curiae was appointed.

3. The order cancelling bail was passed on 29.07.2021. We are now on 29.11.2021. Full four months have elapsed since the passing of the impugned order. Hence, the impugned order is set aside. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS IV)

mga/csm

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.

To

- 1.Principal District and Sessions Judge,
Pudukottai.
- 2.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai, Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.



4.The Superintendent,
Central Prison,
Trichy.

1CC TO MR. N.PRAGALATHAN, ADVOCATE SR 36610

MGJ 1/12/2021 - 2P/ 6C

Crl O.P. (MD) No.18464 of 2021
29.11.2021