



Crl.OP.No.29713 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 13.12.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.29713 of 2022**

Prabakaran

... Petitioner

Vs.

The Inspector of Police,  
Mayiladuthurai Police Station,  
Mayiladuthurai District.  
Cr.No.226 of 1998

... Respondent

**PRAYER:** This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records related to the docket order dated 19.11.2022 passed in S.C.No.173 of 2015 on the file of the Additional District and Sessions Judge, Mayiladuthurai and set aside the same.

For Petitioner : Mr.B.Thiyagarajan

For Respondent : Mr.S.Santhosh  
Government Advocate (Criminal side)



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## **ORDER**

This Criminal Original Petition has been filed to call for the records related to the docket order dated 19.11.2022 passed in S.C.No.173 of 2015 on the file of the Additional District and Sessions Judge, Mayiladuthurai and set aside the same.

2.The learned counsel for the petitioner submitted that while ordering bail to the petitioner, there was a condition imposed that he shall report before the learned Trial Judge on all working days at 10.30. a.m till framing of charges and shall also appear before the respondent Police every Saturday at 10.30.am. until further orders.

3.In pursuance of this order, he appeared before the trial Court on 15.11.2022, 17.11.2022 and 18.11.2022. 16.11.2022 was a local holiday and therefore 19.11.2022, a Saturday was made as a working day. On 19.11.2022, in compliance with the direction of this Court, he appeared before the respondent Police at 10.30.a.m. He did not aware that the Court was



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functioning on a Saturday and therefore he could not appear before the Court on 19.11.2022. However, the learned trial Judge ordered cancellation of bail and issued NBW. The order of the learned Judge reads as follows:-

*“All not appeared for the condition as per direction. Hence bail is cancelled. Issue NBW for All call on 24.11.2022”.*

4.As stated above, it is reported by learned Government Advocate (Criminal side) that the petitioner appeared before the respondent Police on 19.11.2022 and this claim was verified by the Police and it is found to be true. When the petitioner appeared before the respondent Police, at 10.30.a.m, he cannot be expected to be appear before the trial Court on the same day and at the same time. Without considering all these aspects, the learned trial Judge has wrongly cancelled the bail and issued NBW, even without affording an opportunity to hearing to the petitioner.

5.In this view of the matter, the cancellation of order cancelling bail and issuance of NBW in S.C.No.173 of 2015 dated 19.11.2022 on the file of the Additional District and Sessions Judge, Mayiladuthurai are set aside. Petitioner



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is directed to appear before the Court on the next date of hearing. On his appearance, the learned trial Judge is directed to record his appearance and proceed further with the trial case.

6. With the above direction, this Criminal Original Petition is disposed of.

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Index : Yes / No

Speaking / Non Speaking order

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- To
- 1.The Inspector of Police,  
Mayiladuthurai Police Station,  
Mayiladuthurai District.
  - 2.The Public Prosecutor,  
High Court of Madras, Chennai.



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**G.CHANDRASEKHARAN,J.**

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