



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.30227 of 2018
and
Crl.M.P.No.17760 of 2018

Ramkumar

... Petitioner/ Accused

Versus

The State rep. by
The Inspector of Police,
Kandamangalam Police Station,
Villupuram District

... Respondent/ Complaint

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Sessions Judge, Villupuram Sessions Division, Villupuram, Villupuram District dated 23.11.2018 in Crl.M.P.No.6128 of 2018 in Crl.M.P.No.5333 of 2018.

For Petitioner : Mr. E. Kannadasan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Sessions Judge, Villupuram Sessions Division, Villupuram, Villupuram District dated 23.11.2018 in Crl.M.P.No.6128 of 2018 in Crl.M.P.No.5333 of 2018.

2. The petitioner/accused, in Crime No.487 of 2018, was arrested by the respondent police on 01.08.2018. Thereafter, he moved a bail application in Crl.M.P.No.5333 of 2018 and the learned Sessions Judge, Villupuram, by an order dated 10.08.2018 granted bail to the petitioner. Only thereafter, the respondent police had taken steps to arrest the petitioner in Crime No.485 of 2018 and PT Warrant was also issued against him by the learned Sessions Judge, Villupuram. After coming to know about the same, fearing arrest at the hands of the respondent police in Crime No.485/2018, he has not complied with the condition of



appearing before the respondent police, for which, cancellation of bail petition has been filed in CrI.M.P.No.6128 of 2018. The learned Sessions Judge, Villupuram, by an order dated 23.11.2018, cancelled the bail. Against which, the present petition.

3. The learned counsel for the petitioner submitted that both the Crime Nos.485 of 2018 & 487 of 2018 were registered by the same police station, viz. Kandamangalam Police Station. Despite the petitioner's involvement in Crime No.485 of 2018 is known to the respondent Police, the petitioner was arrested in Crime No.487 of 2018, for obvious reasons, they have not shown the arrest of the petitioner in Crime No.485 of 2018, which was earlier registered and only with an intention to harass the petitioner, P.T. Warrant was obtained by the respondent police. The petitioner apprehending harassment and oppression has not appeared before the respondent Police and failed to comply with the condition imposed in CrI.M.P.No.5333/2018. He further submitted that now, investigation in Crime No.487 of 2018 completed, charge sheet filed and taken on file as P.R.C.No.20 of 2022 by the learned Judicial Magistrate No.II, Villupuram. With regard to the case in Crime No.485 of 2018, investigation completed, charge sheet filed and the same is taken on file as S.C.No.22 of 2018, which is pending before the learned Special Sessions (SC/ST) Court, Villupuram. The petitioner will appear in both the cases and he will not be the reason for any delay.

5. The learned Additional Public Prosecutor fairly submitted that investigation in both the cases in Crime Nos.435 of 2018 & 437 of 2018 was completed. One of the cases is pending in P.R.C.No.20 of 2022 before the learned Judicial Magistrate No.II, Villupuram and another is pending in S.C.No.22 of 2018 before the learned Special Sessions (SC/ST) Court, Villupuram. He further submitted that the petitioner has to appear before the learned Judicial Magistrate No.II, Villupuram on 18.04.2022 and before the learned Sessions Court (SC/ST cases), Villupuram on 22.04.2022.

6. This Court considered the submissions made on either side and perused the materials available on records carefully.

7. Considering the fact that investigation completed and charge sheet filed in both the cases, the order of cancellation of bail passed by the learned Sessions Judge, Villupuram Sessions Division, Villupuram in CrI.M.P.No.6128 of 2018, is no more required and the same is liable to be set-aside.

8. Accordingly, the order passed by the learned Sessions Judge, Villupuram Sessions Division, Villupuram in



Crl.M.P.No.6128 of 2018 is set aside and the Criminal Original Petition is allowed. The petitioner to appear and cooperate with the trial in both the cases without fail. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mrp/mdl

To

- 1.The Sessions Judge,
Villupuram Sessions Division,
Villupuram.
- 2.The Inspector of Police,
Kandamangalam Police Station,
Villupuram District
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.24704

CRL.O.P.No.30227 of 2018
&
Crl.M.P.No.17760 of 2018

RK(CO)
SB(22/04/2022)