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CRL.R.C.(MD).No.599 of .



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON :01.08.2022

PRONOUNCED ON:12 .08.2022

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD).No.599 of 2022

and

CrI.M.P.(MD)No.7335 of 2022

Ganeshamoorthy

: Petitioner/Respondent/Petitioner

Vs.

State represented by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
(Crime NO.280 of 2019)

: Respondent/Petitioner/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C, to call for the records relating to the order dated 01.06.2022 made in Cr.M.P.No.1209 of 2021, against CrI.M.P.No.246 of 2019, on the file of the Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur and set aside the same.



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For Petitioner : Mr.J.Sulthan Basha

For Respondent : Mr.S.Manikandan
Government Advocate(Crl.Side)

ORDER

The Criminal Revision Case is directed against the order passed in Cr.M.P.No.1209 of 2021, dated 01.06.2022, on the file of the Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, cancelling the bail granted to the petitioner in Cr.M.P.No.246 of 2019, dated 18.09.2019.

2. The petitioner is the accused in Cr.No.280 of 2019, on the file of the respondent police, for the offences under Sections 8(c), r/w 20(b)(ii)(B) of NDPS Act. The petitioner has filed a petition in Cr.M.P.No.246 of 2019 seeking bail and the learned Sessions Judge, vide order, dated 18.09.2019, granted bail with a condition that the petitioner should appear and sign before the respondent police station daily at 10.00a.m., until further orders.

3. It is not in dispute that the petitioner, after furnishing sureties, has been released on bail. Subsequently, the respondent police has filed a petition in Cr.M.P.No.1209 of 2021 under Section 439(2) Cr.P.C., seeking orders to cancel



the bail granted to the petitioner in Cr.M.P.No.246 of 2019 and the learned Sessions Judge, after enquiry, has passed the impugned order dated 01.06.2022, allowing the said petition and thereby cancelling the bail granted in Cr.M.P.NO. 246 of 2019, dated 18.09.2019. Aggrieved by the cancellation of bail, the accused has now come forward with the present Criminal Revision.

4. The petitioner's case is that after his release on bail from the above case, the respondent police had threatened him that they would register a case against him and hence, the petitioner went to Pondicherry and has been working in constructions, that subsequently, the petitioner has been falsely roped in another case in Cr.No.1652 of 2021 for the offences under Sections 294(b), 307 and 506(ii) I.P.C., without any truthful records and evidence, that he was remanded to judicial custody on 24.11.2021 and that therefore, the petitioner had not complied with the conditions imposed in Cr.M.P.No.246 of 2019.

5. The petitioner's further case is that the respondent police had then filed a petition for cancellation of bail and the same was allowed by the Additional District Court, without considering the facts and circumstances of the case in proper perspective and cancelled the bail on 01.06.2022, with a direction to the respondent police to secure him, that the cancellation of bail petition is improper and highly unsustainable in law, that the averments raised in the cancellation of



bail application are vague and vexatious, that the impugned order was passed behind the back of the petitioner and without any proper enquiry and that the principles of natural justice have been violated.

6. The respondent has filed a counter affidavit disputing the petitioner's affidavit averments and raised serious objections. The main contention of the respondent police is that the petitioner, after obtaining bail, did not appear before the respondent police station, that the petitioner was involved in another case in Cr.No.401 of 2019, for the offences under Sections 147, 148, 427 and 436 I.P.C., that the petitioner did not appear for the hearings in P.R.C.No.47 of 2018 in connection with Cr.No.134 of 2018, before the Judicial Magistrate Court No.I, Thanjavur and hence, NBW was ordered to be issued and that another case was registered against him for the offences under Section 229-A I.P.C., in Cr.No.124 of 2020, that the petitioner has been absconding from 2019 onwards, that the charge sheet has already been filed in Cr.No.280 of 2019 dated 04.11.2019 and is pending in C.C.No.29 of 2019, on the file of the Special Court under Essential Commodities Act cases, Thanjavur and NBW was ordered to be issued, as he did not appear from the beginning of the case and that subsequently the petitioner was involved in another case in Cr.No.1652 of 2021 on 23.11.2021, for the offences under Sections 294(b), 307, 505(2) and 506(2) I.P.C., and remanded on 24.11.2021.



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7. It is their further case that after the petitioner was remanded, he was produced before the Court through PT warrant on 02.12.2021 for the case in C.C.No.29 of 2019 and they came to know that in Cr.No.280 of 2019, he did not comply with the conditions imposed by the Court and that therefore, they were constrained to file the above application for cancellation of bail. According to the prosecution, the petitioner is having five pending cases and is a history sheeted person in H.S.No.443 of 2017.

8. It is pertinent to note that the case on hand in Cr.No.280 of 2019 came to be registered on 15.09.2019 and the petitioner was arrested on the same day, that the petitioner was granted bail by the Special Court under Essential Commodities Act cases, Thanjavur on 18.09.2019 and that the charge sheet has been laid and the case was taken on file in C.C.No.29 of 2019 and is pending on the file of the Special Court under Essential Commodities Act cases, Thanjavur. It is not in dispute that another case came to be registered against the petitioner in Cr.No.1652 of 2021 on 23.11.2021 for the offences under Sections 294(b), 307, 505(2) and 506(2) I.P.C., and he was arrested on 24.11.2021 and that the petitioner was produced before the E.C. Court on P.T., warrant in connection with C.C.No.29 of 2019. In the meanwhile, the respondent police has filed the above application for cancellation of bail on 13.12.2021.



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9. As rightly contended by the learned Government Advocate (Crl.Side) appearing for the State, though the petitioner was granted bail vide order dated 18.09.2019, with the condition directing him to appear before the respondent police daily until further orders, he has not chosen to comply with the said direction. Though the petitioner has alleged that since the respondent police had threatened him that they would register another case, he moved to Pondicherry and has been working there and that since subsequent case was registered against him in Cr.No.1652 of 2021 and he was remanded to judicial custody, he was not in a position to comply with the directions imposed. But as rightly contended by the learned Government Advocate (Crl.Side), the second case came to be registered in Cr.No.1652 of 2021 on 23.11.2021 and the petitioner was remanded to judicial custody only on 24.11.2021, but he had not complied with the conditions imposed in Cr.M.P.NO.246 of 2019, dated 18.09.2019. Admittedly, the petitioner has not filed any application for modification or for relaxation of conditions imposed in Cr.M.P.No.246 of 2019, but on the other hand, he kept silent for nearly two long years and he has not offered any acceptable reason or explanation for the same.

10. Considering the above facts and circumstances and also the fact that the petitioner has miserably failed to comply with the conditions imposed in



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Cr.M.P.No.246 of 2019 and in the meanwhile, he involved in other cases, the order of the Sessions Judge, cancelling the bail granted in Cr.M.P.No.246 of 2019 cannot be found fault with. Hence, this Court concludes that the Criminal Revision Case is absolutely devoid of merits and the same is liable to be dismissed.

11. In the result, the Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed.

12.08.2022.

Index : Yes/No

Internet : Yes/No

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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. The Additional District Judge/Presiding Officer,
Special Court under Essential Commodities Act,
Thanjavur.

2. The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.



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

4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

PRE-DELIVERY ORDER MADE IN

CRL.R.C.(MD).No.599 of 2022

12.08.2022