



Crl.O.P.Nos.937 & 938 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.937 & 938 of 2023

and

Crl.M.P.Nos.499 & 500 of 2023

Ram @ Ramkumar

...Petitioner in Crl.O.P.No.937 of 2023

Dharma @ Dharmadurai
2023

... Petitioner in Crl.O.P.No.938 of

Vs.

The Station House Officer,
“D” Nagar Police Station,
Puducherry.
Crime No.51 of 2018

...Respondent in both Crl.O.PS.

Prayer in Crl.O.P.No.937 of 2023: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the impugned order dated 16.02.2021 passed in Cr.M.P.No.979 of 2020 on the file of the learned Principal Sessions Judge at Puducherry.

Prayer in Crl.O.P.No.938 of 2023: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the impugned order dated 16.02.2021 passed in Cr.M.P.No.980 of 2020 on the file of the learned Principal Sessions



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Judge at Puducherry.

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In both Crl.OPs

For Petitioners : Mr.Adiyapatham
for Mr.A.Prakash

For Respondents : Mr.S.Santhosh,
Government Advocate (crl.side)

ORDER

These Criminal Original Petitions have been filed to set aside the impugned order dated 16.02.2021 passed in Cr.M.P.Nos.979 & 980 of 2020 on the file of the learned Principal Sessions Judge at Puducherry.

2. The learned counsel for the petitioners submitted that petitioners in both the Crl.O.Ps were granted bail by the learned Principal Sessions Judge at Puducherry in Crl.M.P.No.111 of 2018 and Crl.M.P.No.1163 of 2018 respectively on 20.06.218 in respect of Crime No.51 of 2018. Petitioners have not violated any of the bail conditions imposed on them. When that be the case, the respondent in this case had filed cancellation of bail in Cr.M.P.Nos.979 & 980 of 2020 before the learned Principal Sessions Judge at Puducherry. The learned Judge cancelled the bail granted to the petitioners stating that the petitioners have involved in another murder case in Crime



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No.323 of 2020 on the file of the “D” Nagar Police Station, Puducherry and also taking into consideration that the second time involvement of the accused in another murder case certainly will create fear over the witnesses and it will amounts to tamper the witnesses and thereby the learned Judge allowed the petition for cancellation of bail filed by the respondent. Challenging the same, present petition is filed.

3. The learned counsel for the petitioner further submitted that petition filed in Crl.M.P.No.7530 of 2021 seeking cancellation of bail to the co-accused was dismissed by this Court stating that this Court does not find any supervening circumstances to cancel the bail granted in favour of the accused personer. He further submitted that the case was taken on file in respect to the Crime No.323 of 2020 in S.C.No.15 of 2021 on the file of the III Additional Session Judge, Puducherry on 08.08.2022. In the said circumstances, the cancellation of bail granted in favour of the petitioners has to be set-aside.

4. The learned Public Prosecutor for Puducherry submitted that the petitioners got acquitted in S.C.No.15 of 2021 in respect of the Crime No 323 of 2020.



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5. Considering the change of circumstances, wherein 2nd murder case in Crime No 323 of 2020 was ended in acquittal, this Court is of the view that cancellation of bail ordered on 16.02.2021 passed in Cr.M.P.Nos.979 & 980 of 2020 on the file of the learned Principal Sessions Judge at Puducherry is set-aside. The original bail granted by the learned Principal Sessions Judge at Puducherry in Crl.M.P.No.111 of 2018 and Crl.M.P.No.1163 of 2018 respectively on 20.06.218 is ordered to be restored.

6. Accordingly, these Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

20.01.2023

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To

- 1.The Station House Officer,
“D” Nagar Police Station,
Puducherry.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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and
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20.01.2023