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CrI.O.P.No.17805 of 2023

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

**DATED : 15.09.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CrI.O.P.No.17805 of 2023**

**and**

**CrI.M.P.No.11712 of 2023**

Sundaram  
S/o.Palani

... Petitioner

Vs.

State represented by  
Inspector of Police,  
Erode South Police Station.  
Crime No.159/2022

... Respondent

**Prayer:** Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 16.06.2023 made in C.M.P.No.828 of 2023 on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore by allowing this Criminal Original petition.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor

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CrI.O.P.No.17805 of 2023

**ORDER**

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This Criminal Original Petition has been filed challenging the order passed by the Court below in C.M.P.No.828 of 2023, dated 16.06.2023, cancelling the bail granted in favour of the petitioner for non-compliance of the condition imposed by the Court.

2. Heard Mr.R.Prabakar, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The petitioner was arrested and remanded to judicial custody in the course of investigation in Crime No.159 of 2022. The petitioner filed a bail petition before the Special Court for Essential Commodities Act cases, Coimbatore, in C.M.P.No.799 of 2022. The petitioner was enlarged on bail by order dated 27.04.2022. One of the condition that was imposed by the Court below was that the petitioner should appear before the respondent police daily at 10.30 a.m. until further orders.



CrI.O.P.No.17805 of 2023

WEB COPY

4. The respondent police filed a petition for cancellation of bail in C.M.P.No.828 of 2023 on the ground that the petitioner did not comply with the condition and did not appear before the police station from 30.04.2022 onwards. In view of the same, the Court below cancelled the bail granted in favour of the petitioner by order dated 16.06.2023. Aggrieved by the same, the present petition has been filed before this Court.

5. When the matter came up for hearing on 08.08.2023, this Court passed the following order:

"Mr.A.Damodaran, learned Additional Public Prosecutor takes notice on behalf of the respondent.

2. The order passed by the Court below canceling the bail granted in favour of the petitioner in CMP No.799 of 2022, dated 27.04.2022, has been put to challenge in this petition.

3. The order passed by the Court below in C.M.P.No.828 of 2023 dated 16.06.2023, is kept in abeyance. The petitioner is directed to report before the respondent police daily at 10.30 a.m., till the next date of hearing. If the petitioner complies with this condition, this Court will consider passing further orders in this criminal original petition.

4. Post this case under the caption 'For Orders' on 12.09.2023."

6. The matter was taken up for hearing today and an affidavit was



CrI.O.P.No.17805 of 2023

filed by the petitioner. It has been stated in the affidavit that the petitioner has been appearing before the respondent police from 11.08.2023 onwards daily at 10.30 a.m. till date.

7. Learned Additional Public Prosecutor, on instructions, submitted that the petitioner had appeared before the respondent police only after the order was passed by this Court on 08.08.2023 and he did not appear before that. Learned Additional Public Prosecutor further submitted that the investigation is almost complete and that the final report is going to be filed shortly.

8. In the light of the above development, the order passed by the Court below in C.M.P.No.828 of 2023, dated 16.06.2023, is hereby set aside. The petitioner is directed to appear before the respondent police every Monday at 10.30 a.m. till the final report is filed before the concerned Court.

This Criminal Original Petition is allowed in the above terms.



CrL.O.P.No.17805 of 2023

Consequently, connected miscellaneous petition is closed.

WEB COPY

**15.09.2023**

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1.The Additional District Judge/Presiding Officer,  
Special Court for Essential Commodities Act Cases,  
Coimbatore.

2.The Inspector of Police,  
Erode South Police Station,  
Crime No.159/2022

3.The Public Prosecutor,  
Madras High Court,  
Chennai.

**N.ANAND VENKATESH, J.**



WEB COPY



Crl.O.P.No.17805 of 2023

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**Crl.O.P.No.17805 of 2023**

**15.09.2023**