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Crl.M.P.No.80 of 2023 in
Crl.O.P.No.23230 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2023

CORAM :

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.M.P.No.80 of 2023
in Crl.O.P.No.23230 of 2022

State Rep.by
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
Crime No.160 of 2022.

...petitioner

Vs.

Shiyam Prakash

...Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 482 of Criminal Procedure Code praying to cancel the bail granted to the respondent/accused by this Court in Crl.O.P.No.23230 of 2022 dated 13.10.2022.

For Petitioner : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For Respondent : Mr.M.Illiyas



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ORDER

By order dated 13.10.2022, this Court granted bail to the respondent/A3 herein in Crl.O.P.No.23230 of 2022.

2. Seeking to cancel the bail, the Investigating Officer has come forward with the present petition.

3. According to the learned Government Advocate (Crl.Side), the respondent/A3 is a habitual offender and he has committed several offences even after obtaining bail from this Court. In the petition seeking cancellation of bail, it was specifically stated that subsequent to the grant of bail the 3rd accused involved himself in a case registered against him in Crime No.328 of 2022 for the alleged offences under Sections 8 (c) read with Section 22 (c) read with Section 29(1) NDPS Act. It is further stated that in connection with the registration of the Crime No.328 of 2022, the 3rd accused was arrested on 23.11.2022 and remanded to judicial custody. Therefore, the learned Government Advocate prayed for cancellation of the bail.



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4. In the petition seeking cancellation of the bail granted to the third accused on 13.10.2022, it is stated that subsequent to the grant of bail, he was arrested in connection with another case in Crime No. 328 of 2022 and remanded to judicial custody on 23.11.2022. Thus, as on date, the respondent/A-3 is in judicial custody even after grant of bail in his favour by this Court on 13.10.2022 in Crl.OP No. 23230 of 2022. Therefore, in the light of the above statement that the respondent/3rd accused is already in judicial custody in connection with the case registered against him in Crime No.328 of 2022, this Court is of the view that the plea raised in the present petition has no significance, rather the present petition is only academic. Therefore, no further order is required to be passed in this petition.

5. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

01.02.2023

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
gbi



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T.V.THAMILSELVI, J.

gbi

To

- 1.The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court of Madras.

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