



Crl.R.C.(MD).No.164 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.164 of 2023
and Crl.M.P.(MD).No.2358 of 2023

Ganesamurugan

... Petitioner/Respondent

Vs.

State represented by,
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.13 of 2022)

... Respondent/Petitioner

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pursuant to the cancellation bail order made in Cr.M.P.No.4410 of 2022 in Cr.M.P.No.3329 of 2022, dated 20.01.2023 on the file of the learned Principal Sessions Judge.

For Petitioner : Mr.M.Prabu

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed to set aside the cancellation bail order made in Cr.M.P.No.4410 of 2022 in Cr.M.P.No.3329



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of 2022, dated 20.01.2023 on the file of the learned Principal Sessions Judge.

2.Originally, the respondent police registered a case against the petitioner in Crime No.13 of 2022 for alleged offences punishable under Sections 498(A), 494 of IPC and Section 4 of TNPHW Act, on 24.05.2022 and on the same day, the petitioner was arrested and released on bail by the order of the Principal Sessions Judge, Thoothukudi, vide order dated 28.06.2022 in Cr.M.P.No.3329 of 2022, while an another bail application pending before this Court in Crl.O.P.(MD).No.11297 of 2022. Therefore, the respondent police filed the present petition seeking cancellation of bail for suppression of facts. The same was allowed by the learned Principal Sessions Judge, Thoothukudi and the bail granted to the petitioner was cancelled.

3.Challenging the above said order, this revision petition has been filed. No doubt that the petitioner has suppressed the fact of pending of proceedings before this Court at that time of moving the bail application before the Principal District and Sessions Judge, Thoothukudi. But, he is a Government Servant and he was already in jail for about 29 days. On that



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ground he was also suspended. In view of the above, he expressed his willingness to file an undertaking affidavit along with unconditional apology before this Court for having suppressed pendency of the main petition before this Court, at the time of moving bail before the court below. Therefore, he was directed to file the undertaking affidavit before this Court.

4. Accordingly, the petitioner has filed an undertaking affidavit before this Court, wherein, he has tendered his unconditional apology and also stated that he has drawn Rs.50,000/- as monthly salary and he is ready to pay a sum of Rs.10,000/- to the defacto complainant and her children as monthly maintenance without prejudice of his right to contest in the maintenance case pending before the learned Judicial Magistrate No.I, Kovilpatti, in M.C.No.5 of 2021. It appears that final report was also filed in Crime No.13 of 2022 on the file of the respondent police, before the concerned Court and the same was pending before the learned Judicial Magistrate No.I, Kovilpatti, in C.C.No.615 of 2022.

5. In view of the above said development, this Court is inclined to allow this petition in terms of the undertaking affidavit.



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6. Accordingly, the undertaking affidavit filed by the petitioner is recorded and this Criminal revision case is **allowed** and the order passed by the Principal Sessions Judge, Thoothukudi, in Cr.M.P.No.4410 of 2022 in Cr.M.P.No.3329 of 2022, dated 20.01.2023, is hereby set aside. The bail already granted to the petitioner in Cr.M.P.No.3329 of 2022 is hereby restored. Consequently, connected miscellaneous petition is closed.

23.02.2023

Index : Yes / No

Internet : Yes / No

TM

To

1. The Principal Sessions Judge, Thoothukudi.
2. The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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