



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/12/2023

PRESENT

The Hon'ble Mr.Justice V.SIVAGNANAM
CRL OP(MD). No.16531 of 2023

Seenivasagan

... Petitioner/Informant

Vs

1. The Inspector of Police,
District Crime Branch Police Station,
Madurai.

(F.I.R.No.23 of 2021).

... Respondents/Complainants

2. V.K.Rajan

... Respondent/Petitioner

For Petitioner : M/s.Murugappan R,
Advocate.

For Respondent : Mr.Rms.Sethuraman,
Additional Public Prosecutor (for R1)
Mr.V.Thirumal (for R2)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

To cancel the Bail order issued by this Honble Court in Crl.M.P..No.4702 of 2023 dated 22.08.2023, on the file of Principal District Sessions Court, Madurai and pass such further order or other orders..

ORDER : The Court made the following order :-

This petition is filed to cancel the bail order in Crl.M.P.No.4702 of 2023 dated
<https://www.mhc.tn.gov.in/judis>

22.08.2023 on the file of the Principal District and Sessions Judge, Madurai.



2. The learned counsel appearing for the petitioner would submit that the respondent/accused has not complied with the condition, hence, he prays for cancellation of the bail granted to the second respondent/accused.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that in this case, charge sheet has been filed and the same has been taken on file and the case has been posted for cross examination of P.W.1.

4. The learned counsel appearing for the respondent/accused would submit that the second respondent/accused has complied with the condition. Therefore, there is no ground to cancel the bail granted to the respondent/accused, hence, the learned counsel prays for dismissal of this petition.

5. I have considered the rival submission of both sides.

6. On perusal of the records, it reveals that in this case, charge sheet has been filed and the same was taken on file. Therefore, in such circumstances, with regard to the cancellation bail, the observations of the Hon'ble Supreme Court have to be noted. In view of the Judgments laid down by the Hon'ble Supreme Court reported in 1978 AIR 1961 equivalent to 1978 SCR(3) 950 in the case of State through Delhi Vs. Sanjay Gandhi and others and 1955 SCC (1) 349, JT 1995(1) 127 in the case of (Dolat Ram Vs. State of Hariyana), very cogent and supervening circumstances are necessary for an order directing the cancellation of bail already granted. However, once the bail granted should not be cancelled in a mechanical manner without considering whether any intervening circumstances have rendered out no longer



conducive to fair trial to allow the accused to retain their freedom by enjoying the concession during the trial. Therefore, the grounds stated in the petition does not made the parameter laid down by the Hon'ble Supreme Court and hence, this Petition is dismissed.

sd/-
19/12/2023

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MURUGAPPAN R ,Advocate(SR.No.18074)

+1 CC to M/S.V.THIRUMAL,ADVOCATE(SR.NO.18011)

ORDER
IN
CRL OP(MD) No.16531 of 2023
Date :19/12/2023

MGJ/JGB(29.12.2023) 3P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023

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