



CRL MP(MD) No.802 of 2024

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.802 of 2024

IN

CRL OP(MD) No.19024 of 2023

RAVI

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE  
CANTONMENT POLICE STATION,  
TRICHY DISTRICT,  
CRIME NO.253/2022

2 V.GOVINDHARAJULU

... RESPONDENT/RESPONDENT/  
COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the bail granted on 05.12.2023 to the respondent no.2 herein in the above CrI.OP(MD)No.19024/2023 and pass such other or other orders

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.DHILIPAN PANDIAN. R .L, Advocate for the petitioner and of Government Advocate on behalf of the Respondent No.1, the court made the following order:-

This criminal miscellaneous petition has been filed to cancel the anticipatory



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bail granted to the second respondent in CrI.O.P.(MD)No.19024 of 2023 dated 05.12.2023.

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2.The case of the prosecution is that on 05.02.2022, the accused persons abducted and assaulted the defacto complainant and also forcibly obtained signatures in blank cheques and other documents. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that this Court granted anticipatory bail to the second respondent on 05.12.2023 with a condition that the petitioner should appear before the Judicial Magistrate No.I, Trichirappalli, within a period of fifteen days from the date on which the order copy made ready and the order copy was despatched on 05.01.2024. Prior to that, web copy is also available, however, the petitioner failed to surrender and execute sureties within a stipulated time. Hence, he would pray to cancel the anticipatory bail granted to the petitioner.

4.The learned counsel appearing for the second respondent would submit that even on bare perusal of the order copy makes it clear that the order copy was despatched on 05.01.2024. Even assuming that the limitation period starts from



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05.01.2024, 15 days will expire only on 20.01.2024.

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5. Section 439 (2) of Cr.P.C. clothes the Court with the power to deal with issue relating to cancellation of bail. The Supreme Court has enumerated the following supervening factors that justify cancellation of bail :-

- i) Interference or attempt to interfere with the due course of administration of justice;
- ii) Evasion or attempt to evade the due course of justice;
- iii) Abuse of the concession granted to the accused;
- iv) Possibility of the accused absconding;
- v) Likelihood of/actual misuse of bail;
- vi) Likelihood of the accused tampering with the evidence or threatening witnesses;
- vii) Other supervening circumstances, which have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by being on bail.

6. The courts should be more rigid in its examination of violation and proof of violation in matters relating to cancellation of bail. Various decisions of the Hon'ble Apex Court vests the courts with power and discretion to cancel bail even when there

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are no supervening circumstances and broadly classified, they could be brought under the following heads :-

- i) Where the court granting bail ignores relevant material and takes into account irrelevant material of substantial nature and not trivial nature;
- ii) Where the court granting bail overlooks the position of the accused qua the victim especially if the accused is in some position of authority such as a policeman and there is prima facie, a misuse of position and power, including over the victim.
- iii) Where the court granting bail ignores the past criminal record and conduct of the accused while granting bail;
- iv) Where bail has been granted on untenable grounds;
- v) Where the order granting bail suffers from serious infirmities resulting in miscarriage of justice;
- vi) Where the grant of bail was not appropriate in the first place, given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified;
- vii) When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.

(Emphasis Supplied)



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7. From the above, it is amply evident that even if there are no supervening circumstances, even then the courts are empowered to cancel the bail granted to the accused.

8. It is alleged that the accused persons abducted and assaulted the defacto complainant and also forcibly obtained signature from him. Based on the complaint given by the petitioner/de-facto complainant, present case was registered.

9. In the above backdrop, a perusal of the order passed by this Court court reveals that the sole ground on which the accused has been enlarged on anticipatory bail seems to be the fact that there was no evidence for the alleged kidnap.

10. It is trite that bail is the norm and jail is exception. However, it should not be lost sight of that while granting anticipatory bail, the courts should weigh all the factors associated with the case while considering the anticipatory bail application of the accused. Prima facie satisfaction should be based on the hypotheses of just and reasonableness and not on mere ipsi dixit of the court.

11. The decision of the Hon'ble Supreme Court in the case of Daulat Ram - Vs - State of Haryana (1995 (1) SCC 349) comes to the aid of this Court, wherein the Hon'ble Supreme Court has held that once supervening circumstances are brought to the notice of the Court, then the Court is clothed with power to revisit the bail granted to an accused. In the case on hand, non-compliance of the conditional order



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passed by this Court definitely is a supervening circumstance, which should weigh in the mind of this Court while dealing with the prayer of the petitioner for cancellation of the said anticipatory bail.

12.It is seen that this Court granted anticipatory bail to the petitioner on 05.12.2023 and the order copy was made ready on 05.01.2024. However, the second respondent failed to comply the condition imposed by this Court. In the above circumstances, this Court has no hesitation to cancel the anticipatory bail granted to the second respondent. Accordingly the anticipatory bail granted to the second respondent in CrI.O.P.(MD) No.19024 of 2023 dated 05.12.2023 is hereby cancelled and this criminal miscellaneous petition is allowed.

sd/-  
29/01/2024

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/02/2024

Sub-Assistant Registrar (CS- I/ II / III/ IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

gns

TO

1.THE JUDICIAL MAGISTRATE NO.I, TRICHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.



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3.THE INSPECTOR OF POLICE,  
CANTONMENT POLICE STATION, TIRUCHIRAPPALLI.

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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate ( SR-1176[I] dated 30/01/2024 )

+1 CC to M/s.K.R.KISHORE RAM, Advocate ( SR-2536[F] dated 30/01/2024 )

ORDER  
IN  
CRL MP(MD) No.802 of 2024  
IN  
CRL OP(MD) No.19024 of 2023  
Date :29/01/2024

RK/JGB (05/02/2024) 7P / 7C

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