



CRL.A(MD).No. 1122 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 05.04.2024

CORAM

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

CRL.A(MD).No.1122 of 2023

Ranjith : Appellant

Vs.

1.The Deputy Superintendent of Police,  
Thiruvaidaimaruthur Division,  
Thiruvaidaimaruthur Police Station,  
Thanjavur District.

2.The Inspector of Police,  
Thiruvaidaimaruthur Police Station,  
Thanjavur District.

In Crime No.486 of 2023

: Respondents 1&2

3.Jaya

: 3<sup>rd</sup> Respondent/defacto  
Complainant

**Prayer :** This Criminal Appeal is filed under Section 14-A(1) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act,1989, to call for the records and set aside the order dated 10.11.2023, passed in Cr.M.P.No.426 of 2023 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur District.

For Appellant : Mr.C.Suresh Kannan

For R1 & R2 : Mr.M.Muthumanikkam  
Government Advocate (Criminal Side)



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CRL.A(MD).No. 1122 of 2023

For R3

: Mr.R.M.Siranjeevi  
Legal Aid Counsel

### **JUDGMENT**

The Sole accused/appellant in Crime No.486 of 2023 on the file of the second respondent filed this appeal challenging the impugned cancellation of bail order dated 10.11.2023, passed in Cr.M.P.No.426 of 2023 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur District.

2.The defacto complainant/third respondent's parents entered into agreement with the appellant's father to purchase a property. As per the defacto complainant's version, the parents of the defacto complainant already paid advance amount of Rs.1,15,000/-. Thereafter, the appellant's father refused to execute sale deed. Hence, there was dispute between the appellant's father and the parents of the defacto complainant. In the said circumstances, on 02.07.2023, it is alleged that the appellant trespassed into the house of the defacto complainant and scolded her by using her caste name and criminally intimidated her. Therefore, she gave a complaint to the respondent Police and on receipt of the complaint, the FIR



*CRL.A(MD).No. 1122 of 2023*

in Crime No.486 of 2023 was registered for the offences under Sections 420, 448, 294(b) and 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) and 3 (2) (va) of SC/ST (POA) Act, 1989. After registration of the case, the petitioner was arrested and confined in jail on 11.07.2023. Thereafter, the bail was granted to the appellant, in Crl.M.P.No.354 of 2023 dated 11.07.2023 by the learned 1<sup>st</sup> Additional District and Sessions Judge(PCR), Thanjavur, with the condition to appear before the Ariyalur Police Station, daily at 10.00 a.m until further orders. As per the direction, the appellant is said to have complied with the condition from 10.08.2023 to 17.08.2023, 19.08.2023, 20.08.2023 and 22.08.2023. During the interregnum period, he has failed to comply with the condition. Hence, the prosecution moved the cancellation of bail and the same was allowed by passing the impugned order dated 10.11.2023, in Crl.M.P.No.426 of 2023 and the bail was cancelled in Crl.M.P.No.426 of 2023, dated 10.11.2023.

3.The learned counsel appearing for the appellant submitted that the appellant appeared before the trial Court and gave his explanation for his non appearance for three days. He specifically stated since he had to attend the Court proceeding in the Fast Tract Court, Kumbakonam, posted on those days, he has not appeared before the Ariyalur Police Station situated



*CRL.A(MD).No. 1122 of 2023*

at faraway place. The appellant residence place is Thiruvisanallur and he has to comply the condition to make appearance at Ariyalur Police Station situated at 200 Kms away from his residence. The Kumbakonam Court is situated at 70 Kms from the native place and 270 Kms from the Ariyalur Police Station. Due to his attendance in the Court proceedings pending in the said Kumbakonam Court, he has not appeared and signed in the Ariyalur Police Station. The learned trial judge has cancelled the bail without ascertaining whether the explanation is false or not and hence, he seeks to set aside the cancellation of bail order.

4.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 reiterated the reasons stated by the learned trial judge. Hence, he seeks for dismissal of the appeal.

5.The learned counsel appearing for the intervener/defacto complainant also endorsed the submission of the learned Government Advocate (Crl. Side) and seeks for dismissal of the appeal an specific ground that there was no compliance of the condition imposed by the Court below.



*CRL.A(MD).No. 1122 of 2023*

6.This Court considered the rival submission and also perused record and impugned order.

7.From the records, it is clear that the lower Court granted bail in favour of the appellant with condition that the appellant is to appear before the Ariyalur Police Station at 10.00 a.m., until further orders. From the records, it is clear that the said condition has been complied by the appellant on all days except three days. The appellant has submitted an explanation before the Court below the reason for his absence on those three days. From the submission of the learned counsel for the appellant, it is clear that both Kumbakonam Court and Ariyalur Police Station are situated at distant places from the native place of the appellant. It is humanly impossible to attend the Court proceedings after complying the condition in the Ariyalur Police Station. The learned Trial Judge has not considered the said explanation of the appellant that he was unable to comply the condition due to his appearance before the Kumbakonam Court. The defacto complainant and the prosecutor also not disputed the said fact. Therefore, this Court considers the said explanation is reasonable. The learned trial judge has neither considered the explanation nor held that the same was false and simply cancelled the bail.



CRL.A(MD).No. 1122 of 2023

WEB COPY

8. The bail was granted on 07.08.2023 and was cancelled on 10.11.2023 only on the ground that he has not complied the condition for three days. In the considered opinion of this Court, the said non compliance of the condition for three days is not a ground to cancel the bail granted to the appellant without considering his explanation that he has appeared before the Court proceedings. In the said circumstances, this Court does not find any ground to invoke the power of cancellation of bail. It is settled principle that cancellation of bail deprives the personal freedom of the accused. Hence, the Hon'ble Supreme Court issued detailed guidelines to be followed before invoking the power of cancellation of bail in the case of **Deepak Yadav v. State of U.P.**, reported in **2022 (8)SCC559**, wherein it has been held as follows:

*“31. This Court has reiterated in several instances that bail once granted, should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. Having said that, in case of cancellation of bail, very cogent and overwhelming circumstances are necessary for an order directing cancellation of bail (which was already granted).*

*32. A two-Judge Bench of this Court in Dolat Ram v. State of Haryana [Dolat Ram v. State of Haryana,*



*[(1995) 1 SCC 349] laid down the grounds for cancellation of bail which are:*

- (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 in any manner;*
- (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.*

*33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:*

*33.1. Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.*

*33.2. Where the Court granting bail overlooks the influential position of the accused in comparison to the victim of abuse of or the witnesses especially when there is prima facie misuse of position and power over the victim.*

*33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.*

*33.4. Where bail has been granted on untenable grounds.*

*33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.*

*33.6. 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.*

*33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.”*



*CRL.A(MD).No. 1122 of 2023*

WEB COPY

9. It is a well settled principle that before cancellation of bail, the parameters laid down by the Honourable Supreme Court are to be considered. In spite of the explanation given by the appellant, the learned trial judge has not considered the same and not recorded a finding that the explanation is false. Apart from that this Court finds no other reason including any threatening caused to the victim or any tampering of evidence. In addition to that considering the nature of allegation of threatening of the victim and the victim has not sustained any injury and the dispute is only relating to the execution of the sale agreement, this Court finds no ground to cancel the bail granted to the appellant and the prosecution has not produced any material to show that the case of the appellant comes under the above guidelines issued by the Hon'ble Supreme Court. Therefore, this court is inclined to set aside the cancellation of bail order passed by the Court below.

10. Accordingly, the Criminal Appeal is allowed and the order, dated 10.11.2023, passed in Cr.M.P.No.426 of 2023 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur District, is set aside. The appellant is directed to appear before the respondent Police



CRL.A(MD).No. 1122 of 2023

daily at 10.00 a.m., until further order. It is made clear the appellant is permitted to make his appearance before any other Court proceedings after giving intimation to the respondent Police till the condition imposed in this appeal is either modified or relaxed.

**05.04.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
vsg

To

- 1.The learned I Additional District and Sessions Judge (PCR),  
Thanjavur District.
- 2.The Deputy Superintendent of Police,  
Thiruvaidaimaruthur Division,  
Thiruvaidaimaruthur Police Station,  
Thanjavur District.
- 3.The Inspector of Police,  
Thiruvaidaimaruthur Police Station,  
Thanjavur District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- 5.The Section Officer,  
Criminal Section (Records),  
Madurai Bench of Madras High Court, Madurai.



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*CRL.A(MD).No. 1122 of 2023*

**K.K.RAMAKRISHNAN,J.**

vsg

Order made in  
**CRL.A(MD).No.1122 of 2023**

**05.04.2024**