



Crl.O.P.No.2650 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2650 of 2025
and Crl.M.P.No.1711 of 2025

Eswaran

... Petitioner

Vs

1. The State represented by
The Sub Inspector of Police,
Adambakkam Police Station,
Chennai.

2. T.Rajeshwari

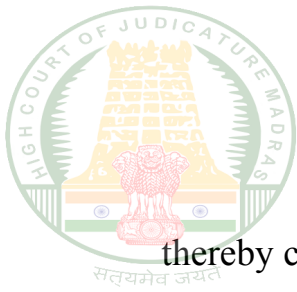
... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, Chennai in Crl.MP.No.1032 of 2024 in Crl.MP.No.932 of 2024 by order dated 04.01.2025.

For Petitioner	: Mr.E.Kannadasan
For R1	: Mr.K.M.D.Muhilan Government Advocate (Crl.side)
For R2	: Mr.T.P.Prabhakaran

ORDER

This petition has been filed to set aside the order passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, Chennai in Crl.MP.No.1032 of 2024 in Crl.MP.No.932 of 2024 by order dated 04.01.2025,



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thereby cancelled the bail granted to the petitioner in Crime No.413 of 2024, on the file of the first respondent.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The second respondent had initially lodged a complaint and the same was registered in Crime No.75 of 2024 for the offences punishable under Sections 294(b), 506(1) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Therefore, the petitioner apprehended arrest at the hands of the first respondent and filed a petition for anticipatory bail in Crl.O.P.No.6597 of 2024. This Court, by an order dated 04.04.2024 granted anticipatory bail to the petitioner. Subsequently, the petitioner indulged in some illegal activities and as such, another complaint was lodged by the second respondent herein before the first respondent and the same was registered in Crime No.413 of 2024 for the offences punishable under Section 294(b) of IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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4. Pursuant to the registration of second FIR, the petitioner was arrested and remanded to judicial custody. Subsequently, he was granted bail, on condition that the petitioner shall appear before the Trial Court for a period of 30 days. However, the petitioner failed to appear for two days out of 30 days. Thereafter, the non compliance of condition for two days was also condoned. While being so, the second respondent filed an application for cancellation of bail for the petitioner, on the ground that the petitioner, once again indulged in some illegal activities by sending audio messages in whatsapp. However, there is no complaint in this regard from the second respondent. On mere allegation, the Trial Court cancelled the bail granted to the petitioner. That apart, the petitioner was already incarcerated for a period of 16 days in pursuant to the registration of FIR in Crime No.413 of 2024.

5. In view of the above, this Court is inclined to set aside the impugned order dated 04.01.2025. Accordingly, the order passed by the learned Judicial Magistrate, Additional Mahila Court, Alandur, Chennai in Crl.MP.No.1032 of 2024 in Crl.MP.No.932 of 2024 dated 04.01.2025, is hereby set aside, on condition that the petitioner shall appear before the first respondent for further period of four weeks, daily at 10.30 a.m.



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6. With the above directions, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

03.02.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The Judicial Magistrate, Additional Mahila Court, Alandur,
Chennai.
2. The Sub Inspector of Police,
Adambakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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