



Crl. O.P. No. 7356 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 7356 of 2025

and

Crl. M.P. No. 4706 of 2025

Shihaz N.K

... Petitioner

Vs

1.K. Karthikeyan

2.The State represented by
The Inspector of Police,
CCB, Avadi Police Station,
Chennai.

(Crime No.81 of 2024)

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order dated 03.03.2025 of the learned Principal District and Sessions Judge at Thiruvallur passed in Crl.M.P.No.7038 of 2024.

For Petitioner : Mr. V. Subramaniam
for M/S. R. Sriram

For Respondents : Mr. C.K. M. Appaji, for R1
Mr. R. Vinoth Raja, for R2
Government Advocate (Crl. Side)



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ORDER

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This Criminal Petition has been filed challenging the order passed in Crl.M.P.No.7038 of 2024 on the file of the Principal District and Sessions Judge at Thiruvallur, thereby cancelled the bail granted to the petitioner in C.M.P.No.6076 of 2024 by an order dated 22.10.2024.

2. The petitioner is an accused in Crime No.81 of 2024 on the file of the second respondent registered for the offences punishable under Sections 406 and 420 of IPC, alleging that the first respondent placed order for supply of crude oil. However, on receipt of substantial amount, the petitioner failed to supply oil. Hence, the complaint.

3. In pursuant to the registration of FIR, the petitioner was arrested and remanded to the judicial custody on 20.09.2024. Thereafter, the petitioner was granted bail in Crl.M.P.No.6076 of 2024 by an order dated 22.10.2024, on the following conditions:

“Therefore, on considering

(i) nature of offence, which are punishable with imprisonment only upto 7 years.

(ii) long duration of custody of the petitioner for the 33 days.



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(iii) *it appears that substantial part of investigation is completed.*

(iv) *that as per the representation of the learned Public Prosecutor, it appears that the petitioner is a local resident and first offender.*

(v) *the representation of the learned counsel for the petitioner that the petitioner being local resident will cooperate for investigation and will abide by any condition.*

(vi) *and also considering other facts and circumstances, this Court is inclined to grant bail to the petitioner on imposing conditions.*

In the result, bail is granted to the petitioner on execution of a bond for a sum of Rs.10,000/- with two sureties for the like-sum each to the satisfaction of Judicial Magistrate No.I, Poonamallee and on condition that the petitioner to sign before the respondent police daily by 10.00 a.m for 30 days. The sureties shall affix their photographs and shall produce Voter Card or Aadhar Card or Bank Pass Book in proof of their identification. Any violation of the conditions, the Judicial Magistrate is entitled to take action as per the Judgment of the Supreme Court in P.K. Shaji Vs. State of Kerala (AIR 2005 SCR 5560). If the petitioner absconds, a fresh FIR can be registered under Section 269 BNS."

4. The petitioner duly complied with the conditions imposed by the trial Court. However, the first respondent filed application to cancel the bail granted by the petitioner on the ground that the petitioner had undertaken before the bail Court to settle a sum of Rs.40 lakhs. However, after granting bail, the petitioner failed to comply the said undertaking. Though, the petitioner had undertaken to settle the said amount, it was not imposed as condition by the



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trial Court. When it is being so, there is no question of violation of any condition imposed by the trial Court by the petitioner.

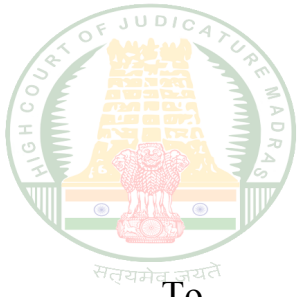
5. That apart, the trial Court considered the period of incarceration by the petitioner and granted bail. Infact, it is only commercial transaction between the petitioner and the first respondent and as such, the trial Court rightly granted bail and there is absolutely no ground to cancel the bail, since the petitioner did not violate any of the condition imposed by the trial Court.

6. In view of the above, this Court finds infirmity in the order passed by the trial Court and accordingly, the Crl.M.P.No.7038 of 2024 on the file of the Principal District and Sessions Judge at Thiruvallur is set aside.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

09.04.2025

Index:Yes/No
Neutral Citation :Yes/No
AT



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To
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- 1.The Principal District and Sessions Judge at Thiruvallur.
- 2.The Inspector of Police,
CCB, Avadi Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

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