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CRL OP Nos. 16264 of 2024 & 2671 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27-02-2025
CORAM
THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP Nos. 16264 of 2024 and 2671 of 2025

D.J.Thanigaiselvan @ D.J.Tanigaiselvane
S/o Jamboulingam, No.10, 1st Cross Street,
Anandha Nagar, Thavalakuppam,
Abishekapakkam Po, Puducherry-605007 Also
Residing At Street 1, Block 2, Building 113,
Al Riggai, Kuwait.

Petitioner in Crl.O.P.No.16264 of 2024

S.Praveen Kumar
S/o. Sampath Kumar,
No A,14, Vingayagar Apartment,
No 114, Rama Street, Nungambakkam, Chennai 600 034.

Petitioner in Crl.O.P.No.2671 of 2025

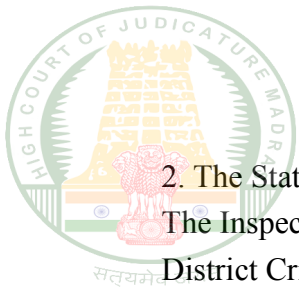
Vs

1. Manikandan Krishnan @ Karikalan
S/o Krishnan, Door No.59, Pallar Street,
Chinnama Samuthiram Colony,
PN Palayam, Salem.

2. The State Represented by,
The Inspector Of Police,
District Crime Branch Police Station,
Salem.(Cr.No.10 Of 2023)

Respondents in Crl.O.P.No.16264 of 2024

1. Manikandan
S/o Krishnan, Door No.59, Pallar Street,
Chinnama Samuthiram Colony,
Petha Naicken Palayam, Salem.



2. The State Represented by,
The Inspector Of Police,
District Crime Branch, Salem

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Respondents in Crl.O.P.No.2671 of 2025

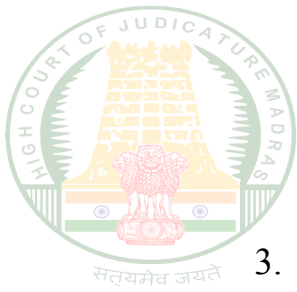
COMMON PRAYER : Criminal Original Petitions have been filed under Section 483(3) of BNSS (Section 439(2) of Cr.P.C), pleaded to cancel the bail granted to the first Respondent by the learned Judicial Magistrate VI, Salem vide order dated 21.08.2023 made in C.M.P.No.2762 of 2023.

For Petitioner in Crl.O.P.No.16264 of 2024:	M/s L.Ramanathan
For Petitioner in Crl.O.P.No.2671 of 2025:	Mr.J.P.Ravivarman
For R1 in both Crl.O.Ps:	Mr.R.Thamarai Selvan
For R2 in both Crl.O.Ps:	Mr.S.Santhosh
	Government Advocate (Criminal Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioners seeking to cancel the bail granted by the court of Judicial Magistrate No.VI, Salem to the first respondent in C.M.P.No.2762 of 2023 on 21.08.2023, on the ground that the first respondent had not complied with the conditions imposed on him.

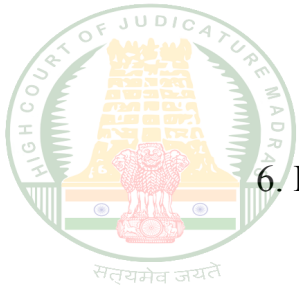
2. Earlier, when the matters were listed before this Court, this court had instructed the first respondent to appear before the second respondent Police daily, since it was represented by the learned Government Advocate (Criminal Side) appearing for the second respondent that the first respondent has failed to comply with the condition.



3. Learned counsel for the first respondent submitted that the non-appearance of the first respondent is neither willful nor wanton, that he could not appear before the second respondent since a non-bailable warrant issued in C.C.No.81 of 2021 on the file of the Judicial Magistrate, Cheyyar, was pending.

4. Learned counsel appearing for the petitioners in both the petitions submitted that the reason stated by the first respondent, who is a habitual offender, for non-compliance of the condition imposed on him cannot be countenanced and that if there is a pending non-bailable warrant, the first respondent ought to have appeared before the Court concerned to recall the warrant and that would not justify the disobedience of the order of this court. They further submitted that the first respondent has also lodged a false complaint against the petitioners and even in his complaint, he had not appeared for enquiry.

5. Learned Government Advocate (Criminal Side) confirmed that though the learned Judicial Magistrate No.IV, Salem, directed the first respondent to appear before the trial Court concerned or second respondent Police as and when required, this Court, vide order dated 13.02.2025, directed him to appear before the second respondent daily, and that, the first respondent did not comply with the said direction.



6. Heard both sides.

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7. Taking into consideration the submissions made by the learned counsel appearing for both the petitioners and the first respondent and the learned Government Advocate (Criminal Side) and since the first respondent had not complied with the direction issued by this court, this Court is of the view that the bail granted by the learned Judicial Magistrate No.VI, Salem, to the first respondent in Crl.M.P.No.2762 of 2023 dated 21.08.2023, deserves to be cancelled.

8. Accordingly, these Criminal Original Petitions are allowed and thereby, the bail granted to the first respondent by the learned Judicial Magistrate No.VI, Salem, in Crl.M.P.No.2762 of 2023 on 21.08.2023, is cancelled.

27-02-2025

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To

The Inspector Of Police,
District Crime Branch Police Station,
Salem.

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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SUNDER MOHAN J.

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