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Crl.O.P.No.32289 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.32289 of 2024

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... Petitioner

Vs.

The State of Tamil Nadu,
Rep.by the Inspector of Police,
N-3, Muthialpet Police Station,
Chennai, Crime No.956 of 2020.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023,/ 482 Cr.P.C., to set aside the cancellation of bail order dated 24.07.2024 in Crl.M.P.No.16671 of 2024 passed by the learned Principal Sessions Judge, Chennai against bail order dated 02.04.2024 in respect of Crl.M.P.No.10051 of 2024 (on the file of the learned Principal Sessions Judge at Chennai) in P.R.C.No.57 of 2022 (on the file of the learned XVI M.M., G.T, Chennai) connected with Crime No.956 of 2020(on the file of the respondent police).

For Petitioner : Mr.R.Karthikeyan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Original Petition is filed to set aside the cancellation of bail order dated 24.07.2024 passed in Crl.M.P.No.16671 of 2024 in Crl.M.P.No.10051 of 2024 in P.R.C.No.57 of 2022 by the learned Principal Sessions Judge, Chennai.

2. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the petitioner, who was arrayed as Accused No.2 in Crime No.956 of 2020, had committed the offences under Sections 419, 364(A), 324, 342, 464, 465, 468, 392 and 395 IPC and he was arrested and remanded to judicial custody on 28.07.2023 by the learned XVI Metropolitan Magistrate, George Town, Chennai in P.R.C.No.57 of 2022. Subsequently, the petitioner was granted bail vide order dated 02.04.2024 in Crl.M.P.No.10051 of 2024 on condition that he shall appear before the learned XVI Metropolitan Magistrate, George Town, Chennai daily at 10.30 a.m. until further orders. However, the petitioner did not appear before the Court below and he was also absconded. Therefore, the respondent-Police filed a petition in Crl.M.P.No.16671 of 2024 seeking cancellation of bail before the



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learned Principal Sessions Judge, Chennai. The learned Sessions Judge by order dated 24.07.2024 cancelled the bail granted vide order dated 02.04.2024. He further submitted that the petitioner/accused is a History Sheeter and having more than four previous cases. Hence, he prays to dismiss the present petition.

3. Learned counsel for the petitioner submitted that originally the petitioner was arrested and remanded to judicial custody on 24.07.2023 and while he was in judicial custody, he was arrested in three more cases. As per bail order in Crl.M.P.Nos.844 and 846 of 2024 dated 13.03.2024 passed by the Judicial Magistrate, Pattukottai, Thanjavur District, the petitioner has complied with the condition i.e., appeared before the above Court daily at 10.00 am from 10.04.2024 to 10.06.2024. Thereafter, the said condition was relaxed. As per the bail order in Crl.M.P.No.7535 of 2024, dated 13.03.2024 passed by the learned Principal Sessions Judge, Chennai, the petitioner has complied with the condition i.e., appeared before the learned VII Metropolitan Magistrate, George Town, Chennai on all working days at 10.30 a.m., from 14.06.2024 to 29.08.2024, thereafter, he filed relaxation petition and the



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same was allowed. He further submitted that the petitioner has already complied the condition in other case connected with Crime No.389 of 2008 from 14.06.2024 to 29.08.2024 before the learned VII Metropolitan Magistrate, George Town, Chennai. He further submitted that though both the Courts situate in the same premises, after complying with the condition before the learned VII Metropolitan Magistrate, George Town, Chennai, the learned Magistrate did not permit the petitioner to report before the learned XVI Metropolitan Magistrate, George Town, Chennai to comply the condition in the present case. Hence, he filed modification petition against the bail order in Crl.M.P.No.10051 of 2024, dated 02.04.2024, but the same was dismissed. Due to the above said reasons, he was unable to comply with the condition in the present case.

4. It is seen from the records that the petitioner is a History Sheeter. Due to non-compliance of the order dated 02.04.2024 in Crl.M.P.No.10051 of 2024, the learned Principal Sessions Judge, Chennai cancelled the bail vide order dated 24.07.2024 in Crl.M.P.No.16671 of 2024. The petitioner himself admitted in the affidavit filed in support of this petition that as he was complying with



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the order in other two cases, he could not comply with the condition in the present case. The reasons stated by the petitioner for non-compliance of the order dated 02.04.2024 cannot be acceptable and this Court cannot entertain this petition by invoking Section 528 BNSS, 2023.

5. In view of the above, this Criminal Original Petition is dismissed.

02.01.2025

To

1. The Principal Sessions Judge,
Chennai.
2. The XVI Metropolitan Magistrate,
George Town, Chennai.
3. The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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