

Crl.R.C(MD)No.14 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C(MD)No.14 of 2025

and

Crl.M.P(MD)No.96 of 2025

Prasanth

... Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Ariyamangalam Police Station,
Trichy City.
(Crime No.350 of 2024)

... Respondent

PRAYER: This Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, to call for the records relating to the order, dated 03.10.2024 made in Crl.M.P.No.17649 of 2024 on the file of the Judicial Magistrate No.6, Tiruchirappalli against Crl.O.P(MD)No.10829 of 2024 on the file of this Court and set aside the same as illegal.

For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)

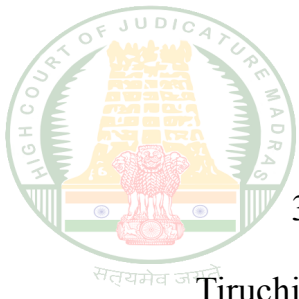


ORDER

WEB COPY This Criminal Revision Case is directed against the order, dated 03.10.2024 passed in Crl.M.P.No.17649 of 2024 on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli against Crl.O.P.(MD) No.10829 of 2024 on the file of this court and to set aside the same.

2.The brief facts of the case:

On receipt of the complaint, a case was registered by the respondent police in Crime No.350 of 2024 against the petitioner u/s 147, 302, 148, 120B, 341, 149 of IPC on 30.04.2024. The petitioner was arrested and remanded to judicial custody on 03.05.2024. Thereafter, the petitioner has filed the petition in Crl.O.P(MD)No.10829 of 2024 before this Court seeking for bail. After hearing both sides, this Court has allowed the said petition on 19.07.2024 and the petitioner was ordered to be released on bail on conditions. It is alleged by the respondent police that the revision petitioner violated the bail condition of appearing before the respondent police and hence the respondent police has filed the petition in Crl.M.P.No.17649 of 2024 before the learned Judicial Magistrate No.VI, Tiruchirappalli to cancel the bail passed in Crl.O.P(MD)No. 10829 of 2024 by this court. The said petition was allowed by the learned Judicial Magistrate No.VI, Tiruchirappalli on 03.10.2024.

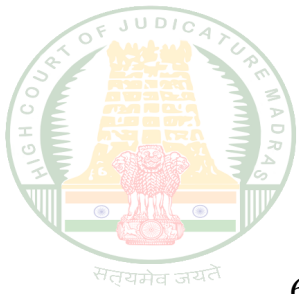


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3. Aggrieved by the order of the learned Judicial Magistrate No.VI, Tiruchirappali, the petitioner has preferred the present Criminal Revision Case before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the records in this Criminal Revision Case.

5. The learned counsel for the petitioner has submitted that as per the order of this Court passed in Crl.O.P.(MD)No.10829 of 2024, the petitioner executed the bond on 22.07.2024 and he was released on 23.07.2024. The petitioner went to the respondent police station on 28.07.2024 and he was allowed to sign. But, the respondent police filed the petition for cancellation of bail alleging that as there was a life threat to the revision petitioner and he did not appear to abide the condition. The learned Judicial Magistrate failed to consider the ingredients of cancellation of bail and simply allowed as the notice sent to the revision petitioner was served. The revision petitioner was not allowed to sign before the respondent police, on the very next day the respondent police prepared the petition for cancellation and filed the same. Therefore, the criminal revision case may be allowed and the revision petitioner is ready to sign before any of the Judicial Magistrate Court.



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6. The learned Government Advocate (Criminal Side) has submitted that the petitioner was released from the jail on 23.07.2024 and there was an attempt for retaliation murder by the deceased side, the revision petitioner did not appear before the respondent police and so, the petition for cancellation of bail was filed on 31.07.2024, since he violated the conditions imposed by this Court. He would further submit that no previous case is pending against the petitioner.

7. This Court has carefully considered the contentions put forward by either side and also perused the materials available on record. The revision petitioner is an accused in the case registered by the respondent police in Crime No.350 of 2024 U/s.147, 302, 148, 120B, 341, 149 of IPC. The revision petitioner was arrested and remanded to judicial custody on 03.05.2024. Thereafter, the revision petitioner has filed the petition in Crl.O.P(MD)No.10829 of 2024 before this Court for bail and this Court allowed the petition granting bail on conditions as follows:

"(i)On the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial magistrate No.VI, Trichy;



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(ii) *The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;*

(iii) *The petitioner appear before the respondent police, once in a week at 10.30 a.m. until further orders. He has to co-operate for the investigation.*

(iv) *The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with prosecution witnesses. He shall be available for the trial as well.*

(v) *On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail."*

8. From the perusal of the impugned order it is clear that the respondent police alleged reason for cancellation of bail that the revision petitioner has not appeared before the police station even for the 1st week after release. The contention of the revision petitioner is that he executed a bond on 22.07.2024 and was released on 23.07.2024 and he went to the police station on 28.07.2024, on which date he was not allowed to sign, but purposely the respondent police filed the petition on 30.07.2024 for cancelation of bail. This was not strongly objected by the respondent police. The learned Judicial Magistrate has cancelled the bail on the ground the notice was served on the



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revision petitioner thrice. There is no other ground discussed by the learned Judicial Magistrate. In the criminal procedure code, there is no provision of passing ex-parte orders, the subject matter has to be considered and discussed. In the case of cancellation of bail, the ingredients for cancellation have to be considered by the court while allowing the petition for cancellation of bail. These are not done by the learned Judicial Magistrate. Considering the above facts and circumstances, this Court is of the considered view that the impugned order needs interference and the same has to be set aside.

9. In the result, this Criminal Revision Case is allowed and the order, dated 03.10.2024 passed in Crl.M.P.No.17649 of 2024 on the file of the Judicial Magistrate Court No.VI, Tiruchirappalli, is set aside. Further, the petitioner is directed to abide the conditions imposed by this Court in Crl.O.P(MD)No.10829 of 2024, dated 19.07.2024 without any deviation. Consequently, the connected Miscellaneous Petition is closed.

10.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



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To

- 1.The Judicial Magistrate No.6,
Tiruchirappalli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

**Order made in
Crl.R.C(MD)No.14 of 2025
and
Crl.M.P(MD)No.96 of 2025**

10.01.2025