



Crl.R.C.(MD)No.177 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 20.02.2025

Pronounced on : 07.03.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.177 of 2025

Veeramani

... Petitioner

Vs.

The State, rep. by
The Inspector of Police, O.C.U.
Crime Branch C.I.D.,
Madurai District.

... Respondent

Prayer : This Criminal Revision Petition filed under Sections 438 r/w 442 B.N.S.S., to call for the records and to set aside the order dated 20.01.2025 passed in Crl.M.P.No.3686 of 2024 in Crl.M.P.No.6544 of 2023, on the file of learned Principal Sessions Judge, Madurai.

For Petitioner : Mr.R.Krishna Kumar

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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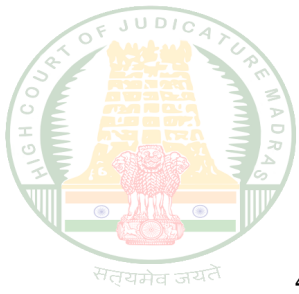
ORDER

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The Criminal Revision is directed against the order passed in Crl.M.P.No.3686 of 2024 in Crl.M.P.No.6544 of 2023 dated 20.01.2025 on the file of the Principal Sessions Court, Madurai, cancelling the bail granted to the petitioner/second accused in Crl.M.P.No.6544 of 2023 dated 17.11.2023 on the file of the said Court.

2. The case of the prosecution is that the defacto complainant one Kishore has lodged a complaint stating that he is a member of Madurai Rifle Club and that one member by name Ruban Peter of Maravankulam has been using a brand new illicitly imported rifle (BLASER R8 30.06 BORE (S.NO.R/103737)), which could have been illicitly imported and transacted through M/s.S.M.Veeramani Armoury Shop and on the basis of the said complaint, FIR came to be registered in Crime No.516 of 2023 for the offence under Section 25(1A) of Arms Act on the file of Thirumangalam Town Police Station.

3. It is not in dispute that the first accused Ruban Peter and the petitioner/second accused were arrested on 08.11.2023 and remanded to judicial custody.

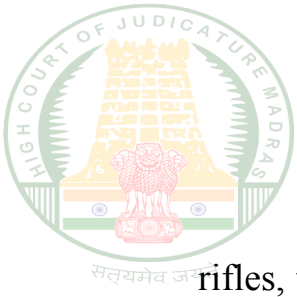


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4. It is not in dispute that subsequent to the orders of the Director General of Police and Head of Police Force dated 07.12.2023, the case was transferred to the Special Investigation Division, CBCID and that subsequently, the investigation was transferred to OCU, CBCID and the case came to be registered in Crime No.2 of 2023 on 25.12.2023.

5. It is not in dispute that the petitioner has filed a petition in Crl.M.P. No.6544 of 2023 and obtained regular bail on 17.11.2023. The respondent has filed a petition in Crl.M.P.No.3686 of 2024 seeking cancellation of bail stating that the petitioner has obtained bail by fallacy and misleading the Court, that the alleged weapon sold to the first accused is an illicitly imported weapon, that the petitioner has no valid license to deal with the foreign weapon, that the petitioner has also entered in the gun license of the first accused, as if, a German weapon was sold on 11.08.2017 as per purchase order, but he has not entered the source of the foreign weapon in the appropriate registers maintained by him, that their investigation had revealed that the weapon does not belong to the SBBL Rifle but Bolt Action type, which is not permissible under law, that the petitioner does not possess any valid license to sell foreign made pistols or

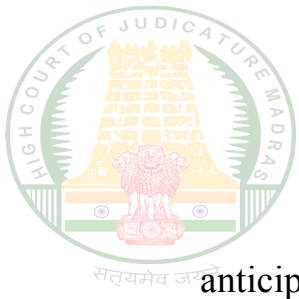


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rifles, that the seized weapon had already been sent to RFSL, Chennai but report is awaited, that the petitioner has further involved in Ilayankudi Police Station Crime No.102 of 2024 under Sections 28 and 29(a)(b) of Arms Act, that the petitioner has obtained anticipatory bail in Crl.M.P.No. 1384 of 2024 before the Principal Sessions Court, Sivagangai by suppressing the Thirumangalam Town Police Station case and that since the petitioner has flagrantly violated the condition laid down by the Principal Sessions Court, Madurai in Crl.M.P.No.6544 of 2023, the bail granted to the petitioner is liable to be cancelled.

6. The petitioner has filed a counter affidavit stating that the alleged weapon sold to the first accused was not illicitly imported weapon and was not a prohibited variety but it is only a sporting rifle, that the gun license of the first accused was renewed upto 31.12.2027, that when the report from the RFSL, Chennai is awaiting, how the investigating authority came to the conclusion that the seized weapon does not belong to SBBL Rifle, that the weapon was shown to Thirumangalam Town Police Station every three months for inspection, that the petitioner was falsely implicated in the case registered by Ilayankudi Police Station and the petitioner got



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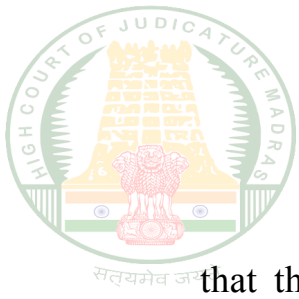
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anticipatory bail from the Principal Sessions Court, Sivagangai, that the name of the petitioner was added subsequently by making an alteration report filed by the investigating officer and that since there are no valid grounds to cancel the bail, the petition is liable to be dismissed.

7. At the outset, it is pertinent to note that the learned Principal Sessions Judge, while granting regular bail, has imposed the condition directing the petitioner not to commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

8. It is the specific case of the prosecution that the petitioner has subsequently involved in a similar case registered in Crime No.102 of 2024 on the file of Ilayankudi Police Station and that the petitioner, by suppressing the case originally registered by Thirumangalam Town Police Station and subsequently by the present respondent, has obtained anticipatory bail from the Principal Sessions Court, Sivagangai.

9. The learned counsel appearing for the petitioner would submit



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that the petitioner's name does not find place in the FIR registered in Crime No.102 of 2024 on the file of Ilayankudi Police Station, that subsequently, on the basis of the confession taken from the second accused therein/son of the petitioner, the petitioner has been implicated and that the petitioner moved for anticipatory bail and obtained the same from the Principal Sessions Court.

10. The learned counsel appearing for the petitioner would further submit that mere inclusion of Arms Act in both the cases would not mean that the offences committed are similar in nature.

11. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner was made an accused in Crime No.102 of 2024 on the file of Ilayankudi Police Station and that Sections 29(a) and 29(b) of Arms Act will also apply to Madurai OCU-CBCID case.

12. It is pertinent to note that though the petitioner's name does not find place in the FIR in Crime No.102 of 2024 on the file of Ilayankudi



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Police Station, on the basis of the confession taken from the second accused therein, who is none other than the son of the petitioner, the petitioner was implicated and was made as a third accused.

13. As rightly contended by the learned Government Advocate (Criminal Side), after transfer of investigation, now the respondent police is proceeding with the investigation and hence, it cannot be stated that the prosecution has finalized the charge sheet and the offences to be incorporated.

14. Admittedly, Crime No.102 of 2024 registered by Ilayankudi Police Station is for the offences under Sections 28, 29(a) and 29(b) of Arms Act and according to the learned Government Advocate (Criminal Side), Sections 29(a) and 29(b) of Arms Act will also apply to the case on hand.

15. Considering the above, the contention of the learned counsel appearing for the petitioner that the cases are not similar in nature cannot be entertained. The fact remains that the petitioner is made as an accused



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in Crime No.102 of 2024 for the offence under the Arms Act and as such, the learned Principal Sessions Judge has rightly come to a decision that the petitioner has violated the bail condition that the petitioner should not commit a similar offence.

16. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that after conducting investigation by the present respondent police, they have unearthed the involvement of UK citizen Maduraite and Keralite and the movement of illegal smuggling of foreign arms to the petitioner and the sale by him to various persons, that they have also unearthed that nearly 14 foreign firearms were purchased by the petitioner though he is not entitled to purchase and sell, that the petitioner has also legalized the sale by affixing his dealership in the gun license of the purchaser, that they have also seized other weapons from the accused, that Thirumangalam Town Police Station, who registered the case, were not aware of the facts which came to be discovered by the respondent police subsequently and that since the respondent police has shown improvements in the investigation and also brought out new aspects, the bail granted to the petitioner has to be cancelled.



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17. According to the prosecution, there was no entry regarding the source of purchase of foreign goods and sale by the petitioner and that they have also found that the weapons seized from the petitioner was not SBBL Rifle. Moreover, the respondent police has recovered foreign rifles and thereby they have shown the improvements in the investigation and also new aspects which came into light during the investigation of the respondent police.

18. It is pertinent to note, as rightly pointed out by the learned Government Advocate (Criminal Side), that the petitioner in the anticipatory bail petition filed for the case in Crime No.102 of 2024 on the file of Ilayankudi Police Station, he has nowhere whispered about the present case and obtaining of regular bail from the Principal Sessions Court, Madurai. Admittedly, the petitioner has not offered any reason or explanation for not disclosing the present case in the anticipatory bail petition. No doubt, the above aspect is not relevant for considering the cancellation of bail in the present case. But as rightly contended by the learned Government Advocate (Criminal Side), the petitioner has attempted to suppress the pendency of the case, only for the purpose of



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getting anticipatory bail.
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19. The learned counsel appearing for the petitioner would rely on a decision of the Hon'ble Supreme Court in ***Subhelal @ Sushil Sahu Vs. The State of Chhattisgarh*** passed in ***Crl.A.No.818 of 2025 dated 18.02.2025***, wherein, the Hon'ble Apex Court dealt with the scope of Section 437(6) of the Code of Criminal Procedure and as such, the said decision cannot be made applicable to the case on hand.

20. The learned counsel appearing for the petitioner would submit that co-accused were already granted bail by this Court. He would further submit that subsequent to the cancellation of the bail, the petitioner was arrested on 24.01.2025 and is in judicial custody.

21. As rightly contended by the learned Government Advocate (Criminal Side), the learned Principal Sessions Judge has rightly relied on the decision of the Hon'ble Supreme Court in ***Gurcharan Singh Vs. State (Delhi Administration)*** reported in ***AIR 1978 SC 179*** and the relevant passage is extracted hereunder:-

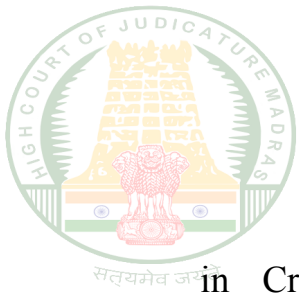


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“Under Section 439(2) of the new Code a High Court may commit a person released on bail under Chapter XXXIII by any Court including the Court of Session to custody, if it thinks appropriate to do so. It must, however, be made clear that a Court of Session cannot cancel a bail which has already been granted by the High Court unless new circumstances arise during the progress of the trial after an accused person has been admitted to bail by the High Court. If, however, a Court of Session had admitted an accused person to bail, the State has two options. it may move the Sessions Judge if certain new circumstances have arisen which were not earlier known to the State and necessarily, therefore, to that Court. The State may as well approach the High Court being the superior Court under Section 439(2) to commit the accused to custody. When, however, the State is aggrieved by the order of the Sessions Judge granting bail and there are no new circumstances that leave copied up except those already existed, it is futile for the State to move the Sessions Judge again and it is competent in law to move the High Court for cancellation of the bail. This position follows from the subordinate position of the Court of Session vis-a- vis the High Court.”

22. At this juncture, it is necessary to refer the decision of this Court



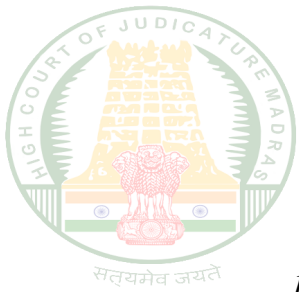
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in Crl.R.C.(MD)Nos.595 to 597 of 2012 in **R.Looyis Raj Vs. V.Malaikannan Alias Kallalagar** and the relevant passages are extracted

hereunder:

“53. It is true that the Bail originally granted cannot be annulled or cancelled or varied in a casual manner. As stated already, cogent convincing reasonable and genuine reasons are to be furnished by the concerned Court when it decides the Cancellation of Bail. In the instant case on hand, the Petitioner/A3 by not abiding or adhering to the condition prescribed in the Bail order in Cr.M.P.No.2864 of 2012 dated 31.10.2012 had not obeyed the condition imposed in Cr.M.P.No.2864 of 2012 bonafide which perforced the Respondent/Police to file Cr.M.P.No.3050 of 2012 for Cancellation of Bail. In fact, he acted detriment to his interest in not adhering to the condition imposed by the Learned Principal Sessions Judge in Cr.M.P.No.2864 of 2012. His Heart Ailment, Medical treatment, intestine cate etc. will not come to Petitioner/A3's side when he wants to fly/escape from the arms of justice in not abiding the condition imposed in Cr.M.P.No.2864 of 2012 by the Learned Principal Sessions Judge, Ramanathapuram.

54. Suffice it for this Court to point out that when the Petitioner/A3's conduct in not abiding the condition imposed by the Principal Sessions Judge, Ramanathapuram (although



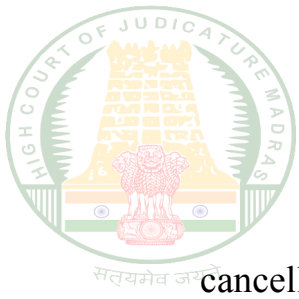
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reason assigned on his side that he was medically prevented from following the condition etc.) could not be an excuse or ruse in regard to the predicament/plight that he is in, in the considered opinion of this Court. In short, the purported medical treatment taken by the Petitioner/A3 at the Vijaya Heart Foundation Hospital and Angioplasty and stenting performed on him could not come to his aid when he had disobeyed the orders of the Learned Principal Sessions Judge as opined by this Court.

23. In the above decision case, the accused therein has not complied with the conditions of the bail Court and this Court, by holding that the accused has disobeyed the orders of the Court, confirmed the order of the Principal Sessions Judge cancelling the bail granted to the accused therein.

24. In the present case also, as rightly observed by the learned Principal Sessions Judge, the petitioner has violated the conditions imposed by the bail Court. The learned Principal Sessions Judge, also taking note of the change in investigation and the new circumstances shown by the respondent police, which were not shown earlier, has rightly come to a decision that the bail granted to the petitioner has to be



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cancelled.

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25. Considering the above, the impugned order dated 20.01.2025 passed by the learned Principal Sessions Judge, Madurai, cancelling the bail granted to the petitioner in Crl.M.P.No.6544 of 2023 dated 17.11.2023 cannot be found fault with.

26. In the result, the Criminal Revision Case stands dismissed. The petitioner is at liberty to move for bail before the appropriate Forum, if so advised. No costs.

07.03.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal Sessions Judge,
Madurai.
- 2.The Inspector of Police, O.C.U.
Crime Branch C.I.D.,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Pre-Delivery Order made in
Crl.R.C.(MD)No.177 of 2025

Dated : 07.03.2025