



CRL OP(MD). No.4606 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

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Veeramani

... Petitioner/ A2

Vs

The Inspector of Police, O.C.U
Crime Branch, C.I.D.,
Madurai District
Crime No. 02 of 2023

... Respondent/ Complainant

For Petitioner : Mr.Gowtham Mariyappan
for Mr.R.Krishnakumar

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.2 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-



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The petitioner/A2, who was arrested and remanded to judicial custody on 09.11.2023 for the offences punishable under section 25(1-A) of Arms Act, in Crime No.516 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 was in possession of imported rifle (Germany) sold by an unauthorized person and the above said rifle was illegally purchased from abroad and registered in the name of A1 through A2. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the respondent police has registered a false case against the petitioner. Already the petitioner was arrested and remanded to judicial custody on 09.11.2023 and thereafter he was released on bail by the learned Principal Sessions Judge, Madurai through an order dated 17.11.2023 in CrI.M.P.No.6544 of 2023 with some conditions, one of the condition is that he shall not commit any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected. On 05.04.2024 a case in Crime No.102 of 2024 was registered by the Ilanyangudi Police Station, Sivagangai District for the offences under Sections 28,29 (A) and (B) of Arms Act as against one Ijas Ahamed and Dinesh, wherein this petitioner was implicated as A2. Thereafter this petitioner approached the learned Principal Sessions Judge, Sivagangai in CrI.M.P.No.1384 of 2024 for anticipatory bail and the same was allowed



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on 18.04.2024. Thereafter the said case was transferred to CBCID, South as per the order of the ADGP., CBCID, Chennai. While so on 27.06.2024 the respondent herein filed petition in CrI.M.P.No.3686 of 2024 before the Principal Sessions Judge for cancelling the bail granted to the petitioner in CrI.M.P.No.6544 of 2024 dated 17.11.2024 on the ground that the petitioner breached the condition and misleading the Court, i.e., the petitioner also violated condition No.3 and committed similar kind of offence based on the First Information Report in Crime No.102 of 2024 on the file of the Ilanyangudi Police Station. Infact the petitioner has not involved in the subsequent crime number and only based on the confession statement of the co-accused this petitioner was arrayed as one of the co-accused and no any weapon recovered from this petitioner. Therefore the order passed by the learned Principal Sessions Judge by cancelling the bail granted by the Sessions Court is liable to be set aside.

4. The learned Government Advocate(CrI.Side) appearing for the respondent police would submit that the petitioner was arrayed as A2 in this case and already he was granted bail through an order dated 17.11.2023 in CrI.M.P.No.6544 of 2024 on the file of the learned Principal Sessions Judge, Madurai and one of the condition is that he shall not commit any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected. While so, the petitioner again



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involved in a case in Crime No.102 of 2024 on the file of the Ilanyankudi Police Station and .thereafter the respondent police approached the Sessions Court, Madurai to cancel the bail granted to the petitioner through an application in CrI.M.P.No.3686 of 2024 and the same was allowed through an order dated 17.11.2023. Merely based on the registration of the subsequent First Information Report the learned Sessions Judge had cancelled the bail without considering that the petitioner was added as accused based on the confession statement of the co-accused and no any recovery made from this petitioner. Therefore the order passed by the learned Sessions Judge, Madurai is liable to be set aside.

5. Heard both sides and perused the materials available on record.

6. In this case it is admitted fact that the petitioner was arrayed as an accused in Crime No.2 of 2023 on the file of the CBCID, Inspector of Police, OCU Crime, Madurai and he had obtained bail before the learned Principal Sessions Judge, Madurai in CrI.M.P.No.6544 of 2023. Thereafter the said bail was cancelled through an order dated 20.01.2025 in Cr.M.P.No.3686 of 2024.on the ground that the petitioner had committed similar type of offence in Crime No.102 of 2024 on the file of the Ilanyangudi Police Station.

7. This Court also perused the entire records. On a perusal of the records it is seen that the respondent police filed petition to cancel the bail granted to the



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petitioner alleging that the petitioner after grant of bail in this case again involved in another case in Crime No.102 of 2024 on the file of the Ilanyangudi Police Station.

Due to the subsequent First Information Report registered against the petitioner the learned Sessions Judge cancelled the bail. In the subsequent offence alleged to be committed by the petitioner is also for the similar kind of offence. But in the subsequent case this petitioner was arrayed as an accused only based on the confession statement of co-accused while under the police custody and no any weapon recovered from this petitioner. While so, merely including the petitioner as accused only based on the confession given by the co-accused which cannot be stated that the petitioner breached the condition imposed in the bail order and committed similar kind of offence. Apart from the above said allegations no any allegation against the petitioner and the petitioner is in custody from 09.11.2023. Already bail was granted to the petitioner and only based on the confession given by the co-accused this petitioner was implicated as an accused and bail granted already cannot be cancelled without any material. It is well settled law that while dealing with the cancellation of bail petitions the Court has to see all the facts and circumstances and without any material cannot cancel the bail. Therefore the order passed by the trial Court is not in accordance with law and the same is set aside and the earlier bail order passed by the trial Court dated 17.11.2023 in CrI.M.P.No.6544 of 2023 is



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restored and the petitioner is ordered to be released forthwith, subject to other cases if

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any.

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03/04/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

aav
TO

- 1 THE PRINCIPAL SESSIONS JUDGE, MADURAI.
 - 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 3 THE INSPECTOR OF POLICE,
O.C.U, CRIME BRANCH C.I.D., MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.MARUTHUPANDIAN, Advocate (SR-3743[I] dated 02/04/2025)

ORDER
IN
CRL OP(MD) No.4606 of 2025
Date :01/04/2025

NBF/ SAR/ (03/04/2025) 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023