

CrL.R.C.(MD)No.553 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.553 of 2025

P.Kulanthai Therasu

... Petitioner

-VS-

1.The State of Tamil Nadu Rep. By,
The Inspector of Police,
Siruganur Police Station,
Trichy.
(Crime No.149 of 2024)

2.NSR.Achuthan @ Achuthan

3.The Inspector of Police,
District Crime Branch – I,
Trichy District.
(R3 impleaded as per order of this Court dated
09.07.2025 in CrL.M.P.(MD)No.8819 of 2025 in
CrL.R.C.(MD)No.553 of 2025 by LVGJ)

... Respondents

PRAYER : Criminal Revision Case is filed under Section 438 and 442 of BNSS, 2023, to call for the records pertaining to the order dated 21.04.2025, passed by the learned Judicial Magistrate, Lalgudi, in Cr.M.P.No.568 of 2025 in CrL.M.P.No.431 of 2025 on the file of the learned Principal District and Sessions Judge, Trichy, dated 01.02.2025 and set aside the same.



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For Petitioner	: Mr.T.Leninkumar
For Respondents 1 & 3	: Mr.S.Ravi, Additional Public Prosecutor
For 2 nd Respondent	: Mr.Vishnu Vardhan For Mr.G.Sailendra Babu

ORDER

Challenging the order passed in Cr.M.P.No.568 of 2025 in Crl.M.P.No.431 of 2025 dated 21.04.2025, on the file of the learned Principal District and Sessions Judge, Trichy, this Criminal Revision Case is filed.

2.The petitioner is the defacto complainant. The second respondent herein is the third accused in Crime No.149 of 2024 registered on the file of the first respondent Police for the offences under Sections 147, 294(b), 323, 506(i), 427, 120(b), 454 and 380 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. The petitioner is a senior citizen aged 80 years residing with her daughter.

3.As per the submissions of the learned Additional Public Prosecutor, A1 is the son of the petitioner, A2 is her daughter-in-law, A3 is the second respondent herein, and A3 to A9 are relatives of the daughter-in-law.

4.The dispute emanated from a family quarrel, for which the said crime was registered. The second respondent obtained anticipatory bail



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from the learned Principal District and Sessions Judge, Tiruchirappalli on 01.02.2025, with the condition that he should appear before the first respondent Police Station every day at 10.00 a.m. However, from 15.02.2025 to 20.03.2025, the second respondent failed to comply with the condition. Consequently, the petitioner filed an application for cancellation of bail on 25.03.2025 before the Trial Court.

5.In the meantime, the second respondent resumed compliance with the condition from 25.03.2025 and continued to do so for 21 days. During the pendency of the cancellation petition, he filed an application seeking relaxation of condition before the learned Principal District and Sessions Judge, Tiruchirappalli, which was allowed on 23.04.2025. Thereafter, the petitioner's application for cancellation of bail was dismissed by the learned Judicial Magistrate, Lalgudi, relying on a medical prescription produced by the second respondent. Aggrieved, the present Revision Case has been filed.

6.The learned counsel appearing for the petitioner submitted that the second respondent, being an influential person, deliberately disobeyed the bail condition by not appearing before the police station for over a month. Such non-compliance cannot be condoned merely on the basis of a prescription for Paracetamol. The petitioner, being an aged woman, continues to face harassment from her son, daughter-in-law, and their



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relatives, and her safety and dignity are at stake. Therefore, the anticipatory bail granted to the second respondent ought to be cancelled.

7.Per contra, the learned counsel for the second respondent contended that his failure to appear before the police station was not wilful but due to an accident. It was argued that the subsequent relaxation of condition by the Sessions Court and the medical prescription placed on record justified the Trial Court's dismissal of the cancellation petition.

8.Heard the rival submissions and carefully perused the records.

9.It is well settled that conditions imposed while granting anticipatory bail must be scrupulously observed in letter and spirit. The Hon'ble Supreme Court in ***State of Bihar v. Rajballav Prasad***¹ held that:

“27.....

16.....A society expects responsibility and accountability from it's members, and it desires that the citizens should obey the law, respecting it as a cherished social norm.No individual can make an attempt to create concavity in the stem of social stream.It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow.At that stage, the court has a duty.It cannot abandon its sacrosanct obligation and pass at its own whim or caprice.It has to be guided by the established parameters of law”.

¹ (2017) 2 SCC 178



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10. Coming to the case in hand, the learned Principal District and Sessions Judge, Tiruchirappalli, exercising his discretionary power on 01.02.2025, had granted anticipatory bail to the second respondent, by imposing a condition directing the second respondent to appear before the first respondent police every day at 10 a.m. Citing non-compliance of the same from 15.02.2025 to 20.03.2025, CrI.M.P.No.568 of 2025 in CrI.M.P.No.431 of 2025 came to be filed by the petitioner seeking to cancel the anticipatory bail granted to the second respondent. However, the the learned Sessions Judge mechanically dismissed the petitioner's application without considering that violation of bail conditions which strikes at the very root of the anticipatory bail order and is sufficient ground for cancellation.

11. The victim is a senior citizen mother who had suffered violence in the hands of her son and daughter-in-law and her relatives. Those who are at the responsibility to protect their mother have indulged in violence against the hapless mother. The aggressors, particularly the second respondent is so influential that he choses to comply with the condition imposed by the learned Sessions Judge at his sweet will and his convenience, with all cooperation from the first respondent police. Hence, the primordial consideration of this Court is that, the second respondent would even go to the extent of tampering the witnesses with his affluence



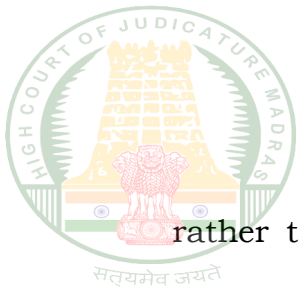
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with the first respondent police. The learned Sessions Judge has lost sight on this significant aspect.

12.I have no hesitation to observe that the anticipatory bail is not a license for accused persons to act with impunity and they are under a strict obligation to abide by the conditions. The purpose of imposing such conditions, particularly appearance before the police station, is two-fold: (i) to ensure that the accused is available for investigation and (ii) to monitor his conduct during the subsistence of bail. Any deliberate or prolonged non-compliance shakes the confidence of the justice delivery system and defeats the very object of imposing such safeguards.

13.In the present case, the anticipatory bail granted to the second respondent on 01.02.2025, required him to appear before the police daily. His failure to do so for more than a month cannot be brushed aside as trivial. The so-called medical prescription, which merely mentions Paracetamol without any supporting medical certificate, cannot constitute a valid ground for condoning his prolonged absence. The learned Sessions Court, in relaxing the condition, overlooked this settled mandate.

14.This Court has no hesitation in holding that the second respondent acted in disregard of the bail condition and that such disregard was condoned by the police authorities in a manner that reflects influence



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rather than bonafide inability. The learned Sessions Court ought not to have relaxed the condition mechanically without insisting upon cogent medical evidence.

15.The failure to comply with conditions, particularly in the sensitive context of an aged victim alleging harassment within her own family, warrants strict judicial response. Grant of anticipatory bail is an extraordinary relief and its conditions are not ornamental but binding directions that must be honoured with utmost seriousness.

16.Accordingly, the impugned order is set aside. The anticipatory bail granted to the second respondent on 01.02.2025, is cancelled. The third respondent Police is directed to secure the second respondent forthwith and proceed in accordance with law. In the result, this Criminal Revision Case is allowed. No costs.

06.08.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn



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To

- 1.The Principal District and Sessions Judge, Trichy.
- 2.The Judicial Magistrate, Lalgudi.
- 3.The Inspector of Police,
Siruganur Police Station,
Trichy.
- 4.The Inspector of Police,
District Crime Branch – I,
Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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