



Crl.R.C(MD)No.590 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2025

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Crl.R.C.(MD)No.590 of 2025

and

Crl.M.P(MD)No.6909 of 2025

Subramaniam

... Petitioner / Sole Accused

Vs

The State represented by
the Inspector of Police,
Vigilance and Anti-Corruption,
Nagercoil,
(Cr.No.4/2018).

... Respondent / Complainant

Prayer : This Criminal Revision Case is filed under Section 438 read with Section 442 of BNSS, 2023 to call for the records and set aside the Impugned order in Crl.M.P.No.2 of 2025 in Spl.Case.No.2 of 2019 dated 16.04.2025 passed by the learned Special Judge, Chief Judicial Magistrate, Nagercoil, Kanyakumari District.

For Petitioner : Mr.N.Dhilipkumar

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



Crl.R.C(MD)No.590 of 2025

WEB COPY

ORDER

This Criminal Revision Case is filed challenging the order dated 16.04.2025, passed by the learned Special Judge / Chief Judicial Magistrate, Nagercoil, Kanyakumari District, in Crl.M.P.No.2 of 2025 in Spl.Case.No.2 of 2019.

2. On an application filed by the prosecution, requesting the Court to cancel the bail already granted to the accused, the Court has passed an order cancelling the bail. Aggrieved over that, the accused has filed this Criminal Revision Case.

3. The accused has been charged for the offences under Sections 7, 13(2) read with 13(1)(d) of Prevention of Corruption Act, on the allegation that he had obtained a sum of Rs.1000/- as bribe from the defacto complainant for the purpose of issuing death certificate of his father. The petitioner is working as a Health Inspector. On the allegation made by the defacto complainant that the accused had demanded money for bribe, the petitioner was trapped and a case has



Crl.R.C(MD)No.590 of 2025

been registered against the petitioner. Charge sheet was also filed by the complainant and the same has been taken on file as Special S.C.No.2 of 2019 by the trial Court.

4. Eventhough, the petitioner has been enlarged on bail, specifically his bail was cancelled in view of the certain circumstances said to have been occurred. The defacto complainant who was cross examined on 27.03.2025 has found to have consumed alcohol. In fact that the Special Public Prosecutor himself has stated to the Court that the defacto complainant did not consume any alcohol when he came in the morning. But he smelt alcohol later. According to the Special Public Prosecutor, the defacto complainant, who was examined as P.W.2 ought to have taken alcohol with the person who took him during a break in the Court.

5. On examining the breath of the P.W.2, by a Court Office Assistant, the learned Single Judge had confirmed that P.W.2 had consumed alcohol and he was under intoxication. Thereafter, P.W.2, stated before the Court that the henchmen of the accused came and met him for more than ten times and insisted him that he should not depose



Crl.R.C(MD)No.590 of 2025

evidence in favour of the prosecution. Even while he was present before the Court on the said date also, he was threatened not to give evidence against the accused and also made life threat. Therefore, immediately the Court stopped recording the evidence of P.W.2 and passed an order stating that it is at the discretion of the prosecution to file any application to cancel the bail. Only subsequent to that, an application has been filed by the respondent police and on that application, the Court has passed the impugned order of cancelling the bail already granted to the accused.

6. Learned counsel for the petitioner / accused submitted that the defacto complainant has given chief examination on 08.08.2024 itself and his evidence is in support of the prosecution. Thereafter, he appeared before the Court only on 27.03.2025 for cross examination . Hence, there cannot be any threat for a witness who had already deposed in favour of the prosecution by insisting him to depose in favour of the accused. It is further submitted that the P.W.2 had made an unnecessary allegation against the appellant in order to avoid any contempt proceedings initiated by the court for consuming alcohol while giving evidence.



Crl.R.C(MD)No.590 of 2025

WEB COPY

7. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor, submitted that since serious allegations have been made against the accused and he has been charged for the offences under Sections 7, 13(2) read with 13(1)(d) of Prevention of Corruption Act, it is obligatory on the part of the prosecution to take all possible steps that the witnesses are not intimidated or influenced. As the prosecution came to know that the petitioner /accused has tried to influence the defacto complainant, it was insisted by the learned Single Judge to file a petition to cancel the bail already granted to the accused and that has been rightly appreciated by the trial Court also.

8. It is to be noted that the defacto complainant who was examined in chief as P.W.2 on 08.08.2024 has not made an application stating that the accused had influenced him either directly or through someone else and threatened him not to depose evidence in favour of the prosecution. In fact, during his chief examination on 08.08.2024, he has given evidence supporting the case of the prosecution and thereafter for the best reasons known to him, he did not appear before the Court for several occasions and the accused could able to cross examine him only



Crl.R.C(MD)No.590 of 2025

on 27.03.2025. Even when the cross examination was started on 27.03.2025, P.W.2 has not made any complaint alleging that he had been influenced or threatened by the accused or by his men. Until the Special Public Prosecutor had found fault with P.W.2 that he smelt alcohol and that was taken notice by the Court also and confirmed the same, the defacto complainant has started making allegation against the accused that he was threatened by him and there was a life threat.

9. Even the statement of P.W.2 was also made before the Court while he was under intoxication and when he was not in a sober state of mind. So there is every possibility that the defacto complainant to make such allegation all of a sudden, in order to save himself from any contempt proceedings initiated by the court for coming to the Court in an intoxicated manner.

10. Even the prosecution has not thought it fit, at any of the time prior to such an incident, to file an application to cancel the bail of the appellant, it appears that the application of the prosecution to cancel the bail has been made in a mechanical fashion, in pursuant to the



Crl.R.C(MD)No.590 of 2025

observation made by the Court while passing orders on 27.03.2025 by stopping the evidence of P.W.2. In fact, the application has been filed by the prosecution on the very next day, even before ascertaining the veracity of the statement of P.W.2 that he was intimidated by the defacto complainant. An FIR has also been registered against the accused on the allegation made by the defacto complainant on 27.03.2025 and for which, the appellant is said to have got anticipatory bail.

11. Hence the appellant is at liberty to investigate the new FIR registered on the allegation that the petitioner / accused attempted to influence P.W.2 to refrain from deposing in favour of the prosecution. The circumstances during which P.W.2 has raised the allegation against the petitioner / accused that he has been influenced and the sudden application filed by the prosecution immediately on the next day to cancel the bail already granted to the petitioner, would show that the action has been taken in a knee-jerk manner without taking any breathing time to ascertain the real facts or the truth behind the allegation made by P.W.2 about the conduct of the petitioner / accused.



Crl.R.C(MD)No.590 of 2025

12. As these facts were omitted to be noticed and taken into action by the trial Court before passing an order for cancelling the bail, I feel the impugned order invites interference. In view of the reasons stated above, I feel it is appropriate to set aside the order impugned in this petition by allowing this Criminal Revision Case.

13. In the result,

(i) this Criminal Revision Case is allowed.

(ii) the order dated 16.04.2025 passed by the learned Special Judge, Chief Judicial Magistrate, Nagercoil, Kanyakumari District, in Crl.M.P.No.2 of 2025 in Spl.Case.No.2 of 2019, is set aside.

(iii) Consequently, connected miscellaneous petition stands closed.

18.06.2025

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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Crl.R.C(MD)No.590 of 2025

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To

- 1.The Special Judge, Chief Judicial Magistrate,
Nagercoil, Kanyakumari District,
- 2.The Inspector of Police,
Vigilance and Anti-Corruption,
Nagercoil, (Cr.No.4/2018).



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Crl.R.C(MD)No.590 of 2025

R.N.MANJULA, J.

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CrI.R.C.(MD)No.590 of 2025

18.06.2025