



CRL OP(MD). No.20768 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/11/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20768 of 2025

and

CrI.M.P(MD) Nos.17666 and 17668 of 2025

Sarathkumar

... Petitioner

Vs

1.The State of Tamilnadu
Rep. by Sub Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
(Crime No.56 of 2024)

2.Kaviyarasu,
Head Constable -397,
Sivagangai Town Police Station,
Sivagangai.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records relating in S.T.C.No.37 of 2025 on the file of the
learned Judicial Magistrate-I, Sivagangai and quash the same by
allowing this Criminal Original Petition.

For Petitioner : Mr.V.Anandhamoorthy,
Advocate



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For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

ORDER

The petitioner seeks to quash the impugned charge sheet in S.T.C.No.37 of 2025 on the file of the learned Judicial Magistrate-I, Sivagangai, which was filed for the offences under Section 229(A) of IPC.

2.The gist of the allegation is that the petitioner was an accused in Crime No.535 of 2023 for the offences under Sections 294(b), 341, 324 and 506(ii) of IPC; that the petitioner had obtained anticipatory bail before the learned Principal District and Sessions Judge, Sivagangai in Crl.M.P.No.4754 of 2023 on 20.10.2023, subject to certain conditions; that though the petitioner was directed to appear for a period of one month before the investigating officer, he had not complied with the said condition and thus, committed the aforesaid offence.

3.The learned counsel for the petitioner would submit that the impugned prosecution under Section 229(A) of IPC is misconceived,



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inasmuch as the offence would be made out only if the petitioner has failed to appear in Court in accordance with the terms of the bail or bail bond; that there is no such allegation in the present case; that the allegation only suggests a violation of bail conditions and that the prosecution has not filed any petition to cancel bail. He would further submit that the petitioner had challenged the FIR registered against him before this Court and that this Court, by its order dated 17.12.2024 in Crl.O.P.(MD) No. 13412 of 2024 etc., had granted an order of interim stay of further proceedings in respect of the said FIR and in spite of the same, the respondent police, in violation of the said order, had filed the impugned final report and therefore, it is liable to be quashed.

4.The learned Government Advocate (Crl.Side) would confirm that the respondents have filed the final report in violation of the orders and this Court had already issued a statutory notice to the respondent police for violating the order passed by this Court.

5.Apart from the fact that the respondent police have violated the interim order passed by this Court, it is seen that allegation only suggests



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that the certain conditions of bail have not been complied with. It is not the case of the respondent police that the petitioner had failed to appear in Court in accordance with the terms of the bail or bail bond, which is the necessary ingredient to prosecute a person for an offence under Section 229(A) of IPC. Even according to the respondent police, the petitioner did not appear before them for the period mentioned in the bail order. Admittedly, the respondent police have not filed any petition to cancel the bail for violation of conditions. Since the necessary ingredient to attract the offence under Section 229(A) of IPC have not been made out and the respondent police have violated the interim order passed by this Court, this Court is inclined to quash the impugned final report.

6. Accordingly, this Criminal Original Petition is allowed and the impugned charge sheet in S.T.C.No.37 of 2025 on the file of the learned Judicial Magistrate-I, Sivagangai, is quashed. Consequently, connected miscellaneous petition is closed.

24.11.2025

NCC : Yes / No
Index : Yes / No

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Internet : Yes/ No

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TO

- 1.The Judicial Magistrate-I, Sivagangai.
- 2.The Sub Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP

ORDER
IN
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