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Crl.M.P.No.2255 of 2026

in

Crl.O.P.No.22630 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.M.P.No.2255 of 2026

in

Crl.O.P.No.22630 of 2025

Parameswari

... Petitioner

Vs.

1. G.N.Saravanan

2. The State rep by,
The Inspector of Police,
CCB-I Police Station,
Chennai.

(Crime No.129 of 2024)

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to cancel the bail granted to the first respondent accused in Crl.O.P.No.22630 of 2025 by an order dated 10.06.2025.

For Petitioner : Mr.E.Chandru @ E.Chandrasekaran

For Respondents : Mr.S.Shanmuga Velayutham,
Senior Counsel
for Mr.R.Dinesh Kumar (for R1)

Mr.N.Palanivel,
Government Advocate (Crl.Side) for R2



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ORDER

The present Criminal Original Petition has been filed seeking cancellation of the bail granted to the first respondent in Crl.O.P.No.22630 of 2025, by order dated 10.06.2025 passed by this Court.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the first respondent had obtained bail by giving an undertaking before this Court to settle the loan amount and to restore the petitioner's property free from all encumbrances. However, according to the learned counsel, the said undertaking has not been complied with. In this regard, the learned counsel for the petitioner relied upon the observations made in paragraphs 5 and 7(g) of the order passed in Crl.O.P.No.5738 of 2025 dated 07.03.2025, which read as follows:-

“5. The relevant portion of the affidavit filed by the petitioner reads as follows:

I humbly state that I undertake to cancel the said sale deed Doc.No.8104/2017 registered on the file of S.R.O. Thiruvottiyur. I further undertake that I will issue a letter of



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no objection to cancel the sale deed to the S.R.O.

Thiruvottiyur and I undertake that I will send a requisition letter to the SBI Bank requesting them to release the original sale deed and I will pay the loan amount taken for the above said property under my individual capacity.

7 [g] petitioner is directed to comply with the undertaking affidavit within a period of eight weeks, failing which, bail granted shall stand automatically cancelled without reference to this Court.”

4. On a perusal of the above extract, it is amply clear that this Court granted bail only on the basis of the undertaking given by the petitioner. In condition No.7(g), this Court had further observed that, if the undertaking affidavit was not complied with within a period of eight weeks, the bail granted shall stand automatically cancelled. It is an admitted fact that, after being enlarged on bail pursuant to the order dated 07.03.2025, the first respondent did not comply with the said condition. Thereafter, he was arrested and subsequently moved a bail petition in Crl.O.P.No.22630 of 2025, wherein this Court, by order dated 10.06.2025, granted bail.

5. At this juncture, the learned counsel for the petitioner would submit that, in the subsequent bail petition, the first respondent had made a



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representation as though he had not committed any offence as alleged by the

prosecution and that he had been falsely implicated in the case. It is the specific contention of the learned counsel for the petitioner that, had the undertaking recorded in paragraph 5 and the condition imposed in paragraph 7(g) of the order dated 07.03.2025 been brought to the notice of this Court, the subsequent bail petition would not have been allowed.

6. Per contra, the learned Senior Counsel appearing for the first respondent would draw the attention of this Court to paragraphs 2 and 4 of the order passed in Crl.O.P.No.22630 of 2025 and submit that the first respondent was arrested only on account of his subsequent inability to comply with the condition. It is further submitted that, at the time of filing the subsequent bail petition, the reasons for such inability were clearly explained and that the learned Government Advocate (Crl. Side) had also informed this Court about the non-compliance of the undertaking. It is only after taking note of all these aspects that this Court granted bail.

7. The point that arises for consideration is whether the first respondent had misrepresented or suppressed any material fact before this Court while obtaining bail in Crl.O.P.No.22630 of 2025.



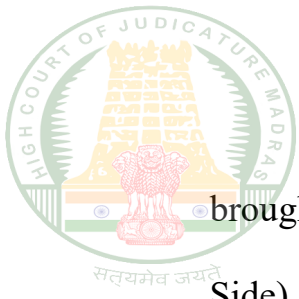
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8. On a perusal of the bail petition filed by the first respondent, it is seen that the conditions imposed in the earlier order have been specifically referred to, including the clause relating to automatic cancellation of bail. Though the learned counsel for the petitioner would contend that the non-compliance of the undertaking was not brought to the notice of this Court, a reading of paragraph 4 of the order passed in Crl.O.P.No.22630 of 2025 would show that the learned Government Advocate (Crl. Side) had specifically apprised this Court of the said non-compliance. It is only after taking note of the said submission that this Court proceeded to grant bail. No doubt, the conditions imposed earlier have not been complied with and, as contended, the de-facto complainant may have sustained loss on that account.

9. However, the question that falls for consideration is whether the bail granted subsequently is liable to be cancelled on the ground of suppression or misrepresentation. Upon considering the materials available on record, this Court is unable to accept the contention of the learned counsel for the petitioner that the first respondent had misrepresented the facts before this Court. The earlier bail conditions had been specifically referred to in the subsequent bail petition and the issue relating to non-compliance was also



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brought to the notice of this Court by the learned Government Advocate (Crl.

Side). Having taken cognizance of the same, this Court granted bail. Therefore, the contention that the earlier conditions were not brought to the knowledge of this Court cannot be accepted. In such circumstances, this Court is of the view that no grounds have been made out for cancellation of bail.

10. Accordingly, this Criminal Original Petition stands dismissed.

23.06.2026

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To

1. The Inspector of Police,
CCB-I Police Station,
Chennai.

2. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN.J.

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