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CRL MP No. 2881 of 2026
Crl.O.P.No.162 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP No. 2881 of 2026

in

Crl.O.P.No.162 of 2026

Rajesh

..Petitioner(s)

Vs

1. Chennammal
2. Sathyaraj
3. Rani
4. Kalyani
5. Nagan
6. State Rep.by, The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
Cr.No.524 of 2025.

..Respondent(s)

Prayer: This criminal miscellaneous petition is filed to cancel the anticipatory bail granted to the respondents / accused 2 to 5 in Crl.O.P.No.162 of 2026 dated 08.01.2026.

For Petitioner(s): Mr.P.Arumugavel

For Respondent(s): Mr.D.Ramesh Kumar for R1 to R5

Mr.P.Dhileepan,
Government Advocate (Crl.Side) for R6



ORDER

This criminal miscellaneous petition has been filed to cancel the anticipatory bail granted to the respondents 2 to 5 / accused in Crl.O.P.No.162 of 2026 dated 08.01.2026.

2. Alleging that the respondents 2 to 5 / accused have parallelly filed anticipatory bail applications before this Court as well as the Sessions Court, the present petition has been filed by the petitioner / de facto complainant seeking to cancel the anticipatory bail granted by this Court as the same is in contravention of the judgment passed by the Hon'ble Supreme Court.

3. The learned counsel for the petitioner vehemently contends that the respondents 2 to 5 had filed anticipatory bail applications parallelly before the District Court as well as before this Court, which amounts to playing fraud upon the Court. He further submitted that the Hon'ble Supreme Court, by judgment dated 17.09.2025 in *Jagdeo Prasad Vs. The State of Bihar and ors. reported in 2025 Live Law (SC) 965*, has categorically held that unless the parties exhaust the remedy before the Sessions Court, they cannot directly approach the High Court seeking anticipatory bail. Therefore, the very conduct of the respondents 2 to 5 in approaching this Court without exhausting the remedy before the Sessions Court is itself a sufficient ground to cancel the anticipatory bail



granted in their favour.

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4. The said contention was strongly objected to by the learned counsel for the respondents 2 to 5. He further submits that immediately after filing the present application, they withdrew the application filed before the learned Sessions Judge and that there is no mandatory requirement to obtain a dismissal order from the Sessions Court. However, he fairly conceded that the Hon'ble Supreme Court, by judgment dated 17.09.2025, has laid down the ratio that the High Court should ordinarily encourage the parties to exhaust the alternative / concurrent remedy before directly approaching it for grant of anticipatory bail.

5. He further submits that if the petitioner is aggrieved by the grant of anticipatory bail against the ratio of the said judgment of the Hon'ble Supreme Court, the remedy available to the petitioner is to approach the Hon'ble Supreme Court and not by way of filing an application for cancellation of anticipatory bail. He further submits that cancellation of anticipatory bail can be sought only on limited grounds, such as violation of bail conditions by the accused or subsequent conduct warranting curtailment of his liberty.

6. In this line, the learned Government Advocate (Crl.Side) has also strongly opposed to allow this petition.



7. I have given anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

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8. Admittedly the respondents 2 to 5 have not violated any of the conditions imposed while granting anticipatory bail. The only grievance of the petitioner is that the respondents 2 to 5 had directly approached this Court seeking anticipatory bail without first approaching the Sessions Court. Under the settled principles governing cancellation of anticipatory bail, the ground raised cannot be a reason for cancellation. The liberty granted by the Court cannot be interfered with merely by asking. In the present case, the petitioner has not made out any case to bring the present application within the scope of violation of the conditions imposed while granting anticipatory bail. Hence, this Court does not find any merits in this petition.

9. Accordingly, this Criminal Miscellaneous petition stands dismissed.

11-03-2026

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To

1. The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
Cr.No.524/2025.

2. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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