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CRL.O.P.No.5715 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE **C.KUMARAPPAN**

CRL.O.P.No.5715 of 2026

Ashok @ Ashokkumar

... Petitioner

Vs.

The Inspector of Police,
Kilkodungalore Police Station,
Vandavasi Taluk,
Thiruvannamalai District.

... Respondent

Prayer :- Criminal Original Petition filed under Section 528 of BNSS praying to set aside the order in Crl.M.P.No.430 of 2025 dated 17.11.2025 in Crime No.203 of 2023 on the file of the Judicial Magistrate, Vandavasi.

For Petitioner : Mr.R.Muthukumar

For Respondent : M/s. P.Dhileepan
Government Advocate (Crl. Side)



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ORDER

This petition has been filed to cancel the bail granted to the 2nd respondent/A3 by the learned Judicial Magistrate Court No.1, Tambaram in Crl.M.P.No.1207 of 2025 dated 21.05.2025.

2. The learned counsel for the petitioner would submit that the petitioner was granted bail on 19.02.2025, wherein there was a direction to the petitioner that the petitioner shall file an affidavit before the trial Court that he will not interfere in the peaceful possession of the defacto complainant's property. However, after getting bail, he has not complied the said condition and therefore, the respondent police moved application for cancellation of bail before the learned Judicial magistrate Vandavasi in Crl.M.P.No.430 of 2025, in which, the learned Magistrate after elaborately considering the conduct of the respondent and also considering the registration of FIR in Crime No.131 of 2025, allowed the application for cancellation of bail.

3. At this juncture, the learned Government Advocate (Crl. Side) would submit that the learned Magistrate after elaborately taking into consideration the non-compliance of the bail order and the registration of the FIR against the petitioner subsequent to the enlargement of bail, canceled the bail granted to the petitioner and therefore, there is no ground to interfere in the said order and prays for dismissal of the present petition.



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4. I have given my anxious consideration to the either side submissions.

In respect of the registration of subsequent FIR, the learned counsel for the petitioner would submit that the said FIR was not registered against the petitioner, it was registered only as against the other co-accused namely Metharamesh and Arunprakash. Therefore, he would submit that the registration of FIR should not have a bearing upon the cancellation of bail application. In respect of other condition namely non-filing of undertaking affidavit referred by the learned Magistrate in para (3) and would submit that he was not aware of the said condition and he was not advised to file such affidavit before the concerned Court.

5. Taking into consideration the above submission, this Court would like to interfere with the order dated 17.11.2025 made in Crl.M.P.No.430 of 2025 by imposing the following conditions

(I) the petitioner is directed to pay a sum of Rs.20,000/- to the credit of **Tamil Nadu Advocate's Clerk Association, Bank Name: Indian Bank, Branch: Indian Bank High Court, IFSC Code: IDIB000M157, Account Name: Tamil Nadu Advocate's Clerk Association, Account No.484026006,** on or before seven days from the date of receipt of copy of the order.



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(ii) The petitioner shall also directed to file the undertaking affidavit as per the original order, within one week from the date of receipt of this order.

With the above two conditions, the order passed in Crl.M.P.No.430 of 2025 is set aside and if the petitioner fails to comply the above two conditions, the bail granted shall stands automatically canceled without reference to this Court.

6. Accordingly, this Criminal Original Petition is ordered.

21.04.2026

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To

1. The Inspector of Police,
Kilkodungalore Police Station,
Vandavasi Taluk,
Thiruvannamalai District.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.



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C.KUMARAPPAN,J.

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