



Crl.O.P.No.7043 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2026

CORAM

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Crl.O.P.No.7043 of 2026

and

Crl.M.P.No.5084 of 2026

Mr.Manoj @ Manoj Kumar

... Petitioner

Vs.

State Rep by The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
Crime No.312 of 2025

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to set aside the order dated
06.03.2026 passed by the learned Principal District and Sessions Judge,
Krishnagiri, in Crl.M.P.No.778 of 2026 dated 06.03.2026 in Crl.M.P.No.318
of 2026.

For Petitioner : Mr.V.Paarthiban

For Respondent : Mr.P.Dhileepan,
Government Advocate (Crl.Side)



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ORDER

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The present application has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Krishnagiri, in Crl.M.P.No.778 of 2026 dated 06.03.2026 in Crl.M.P.No.318 of 2026.

2. The learned counsel for the petitioner would submit that he has filed an application for relaxation of the condition imposed on him in the bail application in Crl.M.P.No.318 of 2026 dated 27.01.2026. The learned counsel would further submit that the learned Principal District and Sessions Judge, Krishnagiri, was of the view that after complying with the condition for a period of 14 days, the petitioner had misrepresented before the police that he need not comply with the condition as the condition was modified to sign only once in a week, whereas factually no such order has been passed either by the learned Principal District and Sessions Judge, Krishnagiri, or by any other Court.

3. It is the contention of the learned counsel for the petitioner that, even for the sake of argument, assuming that there is a misrepresentation on the part of the petitioner, that by itself is not a ground to cancel the bail suo motu, as cancellation of bail has to be dealt with under Section 439(2) of Cr.P.C.,



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equivalent to the provisions under 483(3) BNSS. Therefore, unless the respondent police file an appropriate application, and after giving an opportunity to the petitioner to defend himself, the cancellation of bail on the ground of alleged misrepresentation is nothing but an infringement upon the liberty guaranteed under Article 21 of the Constitution of India. Hence, he prayed to allow this application.

4. The learned counsel also relied upon the judgment of the Hon'ble Supreme Court in 2022 Live Law (SC) 956 (*Bhuri Bai Vs. The State of Madhya Pradesh*) and the judgment of the Orissa High Court in 2024 (1) AICLR 1049 (*Chinmaya Sahu Vs. State of Orissa*) and the order of the learned Single Judge in Crl.O.P.(MD)No.21338 of 2018 dated 22.02.2019 (*The State through the Inspector of Police, Keeramangalam Police Station, Pudukottai District Vs. Selvaraj and others*).

5. The said contentions were strongly opposed by the learned Government Advocate (Crl.Side) appearing for the respondent police, who would submit that when the learned Principal District and Sessions Judge, Krishnagiri, came to know about the misrepresentation committed by the petitioner, the Court is competent to cancel the bail. In this regard, the learned



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Government Advocate relied upon the judgment of the Hon'ble Supreme Court in (2011) 1 SCC 694 (*Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others*) and also the judgment in (1996) 3 SCC 364 (*State Bank of Patiala and Others Vs. S.K. Sharma*) and would contend that when the petitioner/accused is before the Court, the question of separately giving notice does not arise. Hence, he justified the order passed by the learned Principal District and Sessions Judge, Krishnagiri.

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

7. The following facts are not in dispute. The petitioner was granted bail in Crl.M.P.No.318 of 2026 dated 27.01.2026, directing the petitioner to appear and sign before the respondent police station daily at 9.00 a.m. until further orders. Admittedly, the petitioner complied with the condition only for 14 days. It is also an admitted fact that he moved a relaxation petition on 06.03.2026 in Crl.M.P.No.778 of 2026, wherein the respondent informed the Court that the petitioner had misrepresented as if the condition had been modified to sign once in a week. This fact led the learned Principal District and Sessions Judge, Krishnagiri, to cancel the bail.



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8. At this juncture, it is relevant to consider the contours of cancellation of bail. It is relevant to refer to the judgment of the Hon'ble Supreme Court in 2022 Live Law (SC) 956 (*Bhuri Bai Vs. The State of Madhya Pradesh*), wherein it has been held that the power of cancellation of bail should be exercised with extreme care and only in exceptional circumstances, and such cancellation cannot be ordered merely on perceived indiscipline on the part of the accused. In the present case, the cancellation of bail was made only on the basis of alleged misrepresentation, qua the perceived indiscipline. Further, prior to such cancellation, no notice was given to the petitioner. Apart from that, as rightly contended by the learned counsel for the petitioner, there is a specific provision under Section 483(3) of BNSS to cancel bail, which procedure was not followed by the respondent police.

9. However, the learned Government Advocate (Crl.Side), by relying upon the judgment of the Hon'ble Supreme Court in (2011) 1 SCC 694 (*Siddharam Satlingappa Mhetre Vs. State of Maharashtra*), would submit that the Court which granted bail is competent to cancel the bail. This Court is in full agreement with the said proposition. However, the point for consideration is whether, in a relaxation petition, bail can be cancelled without following due procedure. As held by the Hon'ble Supreme Court in



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Bhuri Bai's case (cited supra), such a course is contrary to the settled principles.

10. Therefore, this Court is of the firm view that the cancellation of bail ordered by the learned Principal District and Sessions Judge, Krishnagiri, is not in accordance with law and the same is liable to be set aside. Insofar as the relaxation of the condition is concerned, at this length of time, this Court do not want to redirect the petitioner to approach the learned Sessions Judge and would like to modify the condition, directing that the petitioner shall continue to sign before the respondent police until 30.04.2026 and thereafter appear before the respondent police as and when they are directed.

11. In view of the above, the order dated 06.03.2026 passed by the learned Principal District and Sessions Judge, Krishnagiri, in Crl.M.P.No.778 of 2026 in Crl.M.P.No.318 of 2026 is hereby set aside.

12. Accordingly, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

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To

- 1.The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
- 2.The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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