



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7072 of 2026

Veeramani

..Petitioner(s)

Vs

State rep.by,
The Inspector of Police,
Erode Taluk Police Station,
Erode. Cr.No.409 of 2024.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to set aside the Impugned order dated 11.02.2026 passed in CrI.M.P.No.3152 of 2025 by the learned Judicial Magistrate, Additional Mahila Court, Erode.

For Petitioner(s):	Mr.M.Vijaya Ragavan
For Respondent(s):	Mr.S.Yogaraja Sekar Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed seeking to set aside the order dated 11.02.2026 passed by the learned Judicial Magistrate, Additional Mahila Court, Erode, in CrI.M.P.No.3152 of 2025.

2.The learned counsel for the petitioner submitted that the petitioner's bail was cancelled by the impugned order dated 11.02.2026. It is the contention of the learned counsel for the petitioner that although bail was granted on 05.12.2025 in CrI.M.P.No.3222 of 2025, there was no specific direction



restraining the petitioner from committing a similar offence. Therefore, the question of cancelling the bail does not arise. It is the further contention of the learned counsel for the petitioner that the subsequent case registered against the petitioner is false and that it is a well settled principle of law that the presumption of innocence is a primordial principle in a criminal case. Consequently, he contended that the mere registration of a subsequent First Information Report cannot be a ground to cancel the bail.

3.Per contra, the learned Government Advocate (Criminal side) appearing for the respondent Police submitted that the petitioner is a menace to the society. He stated that although an First Information Report was registered on 19.11.2024 and the petitioner was enlarged on bail on 25.11.2024, the petitioner subsequently committed a similar offence on 15.11.2025. This necessitated the respondent Police to file an application for cancellation of bail in CrI.M.P.No.3152 of 2025, wherein the trial Court cancelled the bail on 11.02.2026.

4.At this juncture, the learned Government Advocate (Criminal side) relied upon the judgment of the Honb'le Supreme Court of India in ***Himanshu Sharma Vs. The State of Madhya Pradesh*** reported in (2024) 4 SCC 222 and contended that the instances where the bail can be cancelled are as follows:-

i)the accused misuses his liberty by indulging in similar criminal



activity,

ii) *Interferes with the course of investigation,*

iii) *attempts to tamper with evidence or witnesses,*

iv) *threatens witnesses or indulges in similar activities which would hamper smooth investigation,*

v) *there is likelihood of his fleeing to another country,*

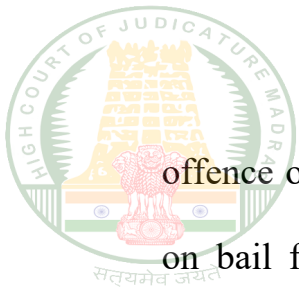
vi) *attempts to make himself scarce by going underground or becoming unavailable to the investigating agency,*

vii) *attempts to place himself beyond the reach of his surety, etc.*

5. Relying on the aforementioned judgment, the learned Government Advocate submitted that whenever an accused misuses his liberty by indulging in similar criminal activity, it constitutes a valid ground to cancel bail. In the case on hand, the petitioner was charged under the Immortal Traffic (Prevention) Act on 19.11.2024 and was enlarged on bail on 25.11.2024. Within a span of one year, he committed a similar offence in Cr.No.295 of 2025. Therefore, the cancellation of bail cannot be faulted.

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

7. The prosecution case is that an First Information Report was registered on 19.11.2024 under the ITP Act. Although the petitioner was enlarged on bail on 25.11.2024, he committed a similar offence on 15.11.2025. No doubt, according to the prosecution, the petitioner committed a subsequent similar

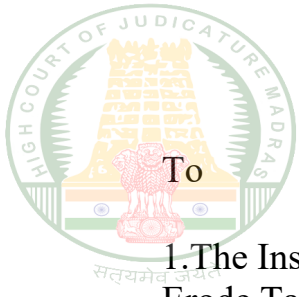


offence on 15.11.2025; however, it is admitted that the petitioner was enlarged on bail for this second offence on 05.12.2025. Apart from that, the learned Government Advocate fairly submitted that even in the second First Information Report, the investigation has been completed and a charge sheet has been filed in C.C.No.199 of 2026. In the judgment relied upon by the learned Government Advocate (*Himanshu Sharma* case), the Hon'ble Supreme Court in paragraph No.14 observed that when the cancellation of bail is sought, but in the meanwhile the investigation is completed and a charge sheet is filed, there are no grounds remain to remand the accused back to custody.

8. In such view of the position, although the accused committed a subsequent offence, it must be noted that there were no specific conditions imposed against the commission of a similar offence. Furthermore, in the similar offence registered in Cr.No.295 of 2025, charge sheet has already been filed. Therefore, the cancellation order passed by the learned Magistrate is against the well settled principle that "Bail is the Rule and Jail is the Exception". This Court deems it appropriate to interfere with the said order. Accordingly, the impugned order dated 11.02.2026 passed in Crl.M.P.No.3152 of 2025 by the learned Judicial Magistrate, Additional Mahila Court, Erode, is set aside and this Criminal Original Petition is allowed.

25-06-2026

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To

1. The Inspector of Police,
Erode Taluk Police Station,
Erode.

2. The Public Prosecutor
High Court of Madras.



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CRL OP No. 7072 of 2



C.KUMARAPPAN, J.

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25-06-2026