



CRL RC(MD). No.135 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26.02.2026

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

**CRL R.C(MD). No.135 of 2026
and
Crl.M.P(MD)No.1627 of 2026**

Hariharasudhan,

... Petitioner

Vs.

State of Tamilnadu Rep. by

Inspector of Police,

Karaikudi North Police Station,

Crime No.304/2025.

... Respondent

PRAYER :- Criminal Revision Case is filed under Section 438 r/w.442 of BNSS, 2023 to call for the records and set aside the order passed in Crl.MP.No.2862 of 2025 dated 19.12.2025 on the file of the Judicial Magistrate, Karaikudi by allowing this Criminal Revision Petition.

For Petitioner : Mr.A.K.H.M. Mohamed Abdul Rasiq,

For Respondent : Mr.Thiruvadi Kumar,
Additional Public Prosecutor



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CRL RC(MD), No.135 of 2026

ORDER

Heard Mr. A.K.H.M. Mohamed Abdul Rasiq, learned Counsel for Revision Petitioner and Mr. Thiruvadi Kumar, learned Additional Public Prosecutor for Respondent.

2. The present criminal revision petition has been filed challenging the order dated 19.12.2025 in CrI.M.P. No. 2862 of 2025, whereby Judicial Magistrate, Karaikudi, has cancelled the bail granted to the petitioner in Cr. No. 304 of 2025 dated 28.04.2025, on the premise that petitioner violated the conditions imposed on petitioner for grant of bail vide order dated 28.08.2025 in CrI.M.P. No. 2147 of 2025 in Cr.No.304 of 2025.

3. Briefly the allegation against the petitioner was that at the time when de-facto complainant and her husband were sharing a private moment in their bed room, petitioner and others took photographs and video graphed the same. Then shared it with their friends; and further threatened the de-facto complainant and demanded money using the said

2/28



CRL RC(MD), No.135 of 2026

materials i.e., photographs and videos. De-facto complainant filed a complaint against the petitioner and others. FIR was registered in Crime No. 304 of 2025 and all of them were arrested, later enlarged on bail by Principal Sessions Court, Sivagangai vide order dated 28.08.2025 in Crl.M.P.No.2147 of 2025, subject to the following conditions:-

"4. In the result, the petition is allowed and the petitioners are ordered to be released on bail on their executing bond for Rs. 10,000/- each with two sureties each of like sum to the satisfaction of the Judicial Magistrate. Karaikudi with a condition that the petitioners shall appear and sign before the Respondent Police Station daily morning at 10.00 a.m., and shall sign for 15 days and thereafter, shall appear on summons.

The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate while considering the sureties, shall obtain the copy of their Aadhar card or bank pass book to ensure their identity.

The petitioners' photograph and Aadhaar Card or bank pass book copy shall also be obtained while considering the sureties.

The Petitioners shall make themselves available for interrogation by the respondent police Officer as and when required for enquiry.



CRL RC(MD), No.135 of 2026

The Petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade from disclosing such facts to the court or to any Police Officer. That the petitioners shall not leave the State of Tamil Nadu without prior permission of the learned Judicial Magistrate. The Petitioners shall not commit further offences of similar nature and shall appear before the respondent police station as and when required.

The Petitioners shall co-operate for early disposal of the matter.

On breach of the aforesaid conditions, the learned Judicial Magistrate, before whom the case is pending is at liberty to initiate/take appropriate action against the petitioners in accordance with law as laid down in the judgment of Hon'ble Supreme Court in P.K. Shaji Vs. State reported in AIR 2005 SCW 5506.”

4. It is the case of the prosecution that on being enlarged on bail on 28.08.2025, petitioner herein intimidated/threatened the de-facto complainant compelling her to withdraw the case. A statement of



CRL RC(MD), No.135 of 2026

de-facto complainant regarding the act of threat and coercion by the petitioner after being enlarged on bail was recorded before Judicial Magistrate, Devakottai under Section 183(5) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. A fresh case against petitioner was registered for offence under Sections 232 and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in FIR.No.383/2025 dated 30.10.2025.

5. Against the said FIR No.383 of 2025, a bail petition was moved and this Court in Crl. O.P.No.(MD)19911 of 2025, vide order dated 12.11.2025, granted bail imposing the following conditions:-

“6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi, and on further conditions that:-

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



CRL RC(MD), No.135 of 2026

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(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders. Further, the petitioner shall not intimidate the defacto complainant.

(c) the petitioner shall not abscond either during investigation or trial.

(d) the petitioner shall not tamper with evidence or witness. either during investigation or trial.

(e) On breach of any of the aforesaid conditions, the learned Magistrate Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.”

6. Learned counsel for petitioner would submit impugned order dated 19.12.2025 in Crl.M.P.No.2862 of 2025 cancelling the bail granted in Crl.M.P.No.2147 of 2025 vide order dated 28.08.2025 is unjustified and unsustainable inter-alia for the following reasons:-



CRL RC(MD), No.135 of 2026

WEB COPY

a) The very fact that bail has been granted in respect of the subsequent offence of criminal intimidation would indicate that the request for cancellation of bail ought not to be entertained.

b) Impugned order cancelling the bail does not set out with clarity, the nature of the threat that was extended and therefore, vague.

c) That petitioner filed W.P.Crl.(MD)No.1866 of 2025, seeking direction to take appropriate action against the respondent Police therein for the alleged brutal attack on petitioner while he was arrested by them for Cr.No.304 of 2025. Subsequent FIR and criminal case was more a retaliation intended to wreak vengeance, as a response to the above writ petition filed by the petitioner.

7. To the contrary, learned Additional Public Prosecutor appearing for respondent would submit the following:



CRL RC(MD), No.135 of 2026

a. Grant of bail for the subsequent offence may not have any bearing, while examining whether the bail granted for the previous offence ought to be cancelled or not. The yardstick are completely different. The enquiry which ought to be made while examining the present petition challenging the cancellation of bail, is to find whether there is any breach of the condition imposed for grant of bail.

b. That one of the conditions contained in the order dated 28.08.2025 in Crl.MP.No.2147 of 2025, wherein bail was granted in respect of Cr.No.304 of 2025 was that petitioner shall not directly or indirectly make any inducement, threat or promise which condition is allegedly violated.

c. Once there is breach of the conditions for grant of bail, as would be evident from the fact that a fresh FIR in Cr.No.383 of 2025 was filed on 30.10.2025 at the instance of the complaint lodged by the victim and details of the intimidation/threat recorded in the statement recorded under under Section 183(5) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, cancellation of bail is justified.

d. In response to the submission of the petitioner that the impugned order granting cancellation of bail does not set out the details of the



CRL RC(MD), No.135 of 2026

breach but vague, he would bring to the notice of the Court that the impugned order makes reference to the statement under Section 183(5) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and it is only on examining the same that the Judicial Magistrate, Karaikudi vide impugned order had cancelled the bail. Thus the above submission is without merit.

e. He would further clarify that statement recorded under Section 183(5) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 is in the first criminal case viz., Cr.No.304 of 2025, much prior to the writ petition in W.P.Crl.(MD) No.1866 of 2025 dated 29.10.2025, thus submission by petitioner that action of police officials is vindictive and in response to the above writ petition is baseless and contrary to facts.

8. Heard both sides. Perused the material on record.

9. The impugned order cancels the bail originally granted, having found that the allegations in the present case are serious in nature. In



CRL RC(MD). No.135 of 2026

order to appreciate the gravity of the offence, it is relevant to extract the relevant portion of the order, wherein the alleged offence/incident has been captured by the Court below as under:

“2. The case of the prosecution is that the de facto complainant and her husband were alone in their residence during night hours, at which time respondents 2 and 3 clandestinely took photographs and video recordings of the couple while they were unclothed and shared the same with their friends. It is further alleged that the 1st respondent came into possession of the said obscene video and thereafter threatened the de facto complainant and demanded money, using the said material as a means of coercion. Based on the complaint, a case in Crime No.304 of 2025 was registered and all the accused were arrested and later released on conditional bail by the Hon’ble Principal Sessions Court, Sivagangai.”

10. On the basis of the above finding, the following conclusion was arrived:

“3. Moreover, while granting bail in Crl.M.P.No.2147 of 2025 dated 28.08.2025, the Hon’ble Principal Sessions Court imposed specific conditions, one of which was that



the accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to the Court or to the police. The prosecution would submit that the said condition was deliberately violated by the respondents.

4. It is the further case of the petitioner that after being released on bail, the 1st respondent again contacted the de facto complainant and compelled her to withdraw the case by extending threats and intimidation. When the statement of the de facto complainant was recorded under Section 183(5) of the Bharatiya Nyaya Sanhita on 12.09.2025 before the learned Judicial Magistrate, Devakottai, she specifically narrated the acts of threat and coercion exercised by the accused after their release on bail. Subsequently, the de facto complainant lodged another complaint, based on which the petitioner police registered a fresh case in Crime No.383 of 2025 for the offences under Sections 232 and 351(2) of the Bharatiya Nyaya Sanhita and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. On the above grounds, the petitioner police has approached this Court seeking cancellation of bail on the ground that the respondents have misused the liberty granted to them and have interfered with the administration of justice by intimidating the victim, thereby violating the



conditions imposed by the Hon'ble Principal Sessions Court.

.....

8. In the present case, the materials placed before this Court clearly indicate that the 1st respondent has contacted the defacto complainant after being released on bail and compelled her to withdraw the case by extending threats. The statement recorded under Section 183(5) of the Bharatiya Nyaya Sanhita and the subsequent registration of Crime No.383 of 2025 lend prima facie support to the prosecution case that the bail condition imposed by the Hon'ble Principal Sessions Court has been violated. The contention of the respondents that registration of a subsequent FIR bars cancellation of bail is without merit, as cancellation of bail is not a punishment for the subsequent offence but a consequence of misuse of the concession of bail.

.....

10. The allegations in the present case are serious in nature, involving invasion of privacy, circulation of obscene material and intimidation of the victim. Permitting the respondents to remain on bail would result in continued harassment of the defacto complainant and would adversely affect the course of investigation and trial. This



CRL RC(MD), No.135 of 2026

Court is satisfied that the petitioner police has rightly pointed out the violation of bail conditions and that the respondents have misused the liberty granted to them.”

11. Before proceeding further, it may be relevant to refer to the following judgments of the Supreme Court, to appreciate the principles governing cancellation of bail:

(a) State of Karnataka V. Sri Darshan Etc., reported in 2025 SCC OnLine SC 1702, wherein the manner in which courts must exercise the power of cancellation was explained while bringing about the distinction between cancellation of bail and annulment of bail. The relevant portions of the judgment is extracted hereunder:

“Cancellation of bail

18.10. As per Halsbury's Laws of England, the grant of bail does not set the accused at liberty in the absolute sense but merely shifts custody from the State to the sureties. Consequently, cancellation of bail entails an assessment of whether the accused has abused the liberty so conferred.



18.11. In Dolat Ram v. State of Haryana (supra), this Court delineated broad, though not exhaustive, grounds justifying cancellation of bail, including:

• Interference or attempt to interfere with the due course of justice;

- Evasion of justice;*
- Abuse of the concession of bail;*
- Likelihood of the accused fleeing from justice.*

18.12. In Abdul Basit v. Abdul Kadir Choudhary¹⁹, this Court elaborated the circumstances in which bail granted under Section 439(2) Cr. P.C. may be cancelled, including where the accused:

- engages in similar criminal activity post-bail;*
- interferes with or obstructs the investigation;*
- tampers with evidence or influences witnesses;*
- intimidates or threatens witnesses;*
- attempts to abscond or evade judicial process;*
- becomes unavailable or goes underground;*
- violates the conditions imposed or evades the control of sureties.*

.....



18.14. Finally, in *Deepak Yadav v. State of U.P.*, this Court reaffirmed that bail already granted should not be cancelled in a routine or mechanical manner. Only cogent and overwhelming circumstances, which threaten the fairness of the trial or the interest of justice, would warrant such interference.

18.15. Thus, it is clear that while cancellation of bail is a serious matter involving deprivation of personal liberty, the law does permit annulment of a bail order that is unjustified, legally untenable, or passed without due regard to material considerations. The distinction between annulment of bail orders due to perversity and cancellation for post-bail misconduct must be clearly understood and applied, ensuring a careful, calibrated, and constitutionally sound approach to the administration of criminal justice.”

(emphasis supplied)

b) *Phireram V. State of Uttar Pradesh and another*, reported in 2025 SCC OnLine SC 1915 wherein the Supreme Court summed up the principles governing cancellation of bail as under:

“25. Some of the circumstances where bail granted to the accused under Section 439(1) CrPC can be cancelled are enumerated below:



(a) *If he misuses his liberty by indulging in similar/other criminal activity;*

(b) *If he interferes with the course of investigation;*

(c) *If he attempts to tamper with the evidence;*

(d) *If he attempts to influence/threaten the witnesses;*

(e) *If he evades or attempts to evade court proceedings;*

(f) *If he indulges in activities which would hamper smooth investigation;*

(g) *If he is likely to flee from the country;*

(h) *If he attempts to make himself scarce by going underground and/or becoming unavailable to the investigating agency;*

(i) *If he attempts to place himself beyond the reach of his surety.*

(j) *If any facts may emerge after the grant of bail which are considered unconducive to a fair trial.*

We may clarify that the aforesaid list is only illustrative in nature and not exhaustive.”

57. The governing principle is that if the accused tampers with evidence, threatens witnesses, or attempts to subvert the trial, the indulgence of bail is to be withdrawn.



It is a recognition that liberty is conditional, not absolute, and subject always to the larger interest of ensuring a fair trial. Considerations for cancellation of bail must always be on the basis of the well settled principles as discussed aforesaid. ...”

(emphasis supplied)

(iii) Mehboob Dawood Shaikh V. State of Maharashtra reported in (2004) 2 SCC 362 wherein it was held that grant of bail and cancellation of bail stand on a different footing.

“7. It is trite law that the considerations for grant of bail and cancellation of bail stand on different footings. By a majority judgment in Aslam Babalal Desai v. State of Maharashtra [(1992) 4 SCC 272 : 1992 SCC (Cri) 870] the circumstances when bail granted can be cancelled were highlighted in the following words : (SCC pp. 289-90, para 11)

“11. As stated in Raghbir Singh v. State of Bihar [(1986) 4 SCC 481 : 1986 SCC (Cri) 511] the grounds for cancellation under Sections 437(5) and 439(2) are identical, namely, bail granted under Section 437(1) or (2) or Section 439(1) can be cancelled where (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. These grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.”

8. It is, therefore, clear that when a person to whom bail has been granted either tries to interfere with the course of justice or attempts to tamper with evidence or witnesses or threatens witnesses or indulges in similar activities which would hamper smooth investigation or trial, bail granted can be cancelled. Rejection of bail stands on one footing, but cancellation of bail is a harsh order because it takes away the liberty of an individual granted and is not to be lightly resorted to.”

(emphasis supplied)



(iv) Narendra K.Amin (DR.) V. State of Gujarat and Another, reported in (2008) 13 SCC 584 wherein it was held that parameters for grant of bail and cancellation of bail are different.

“16. It is pointed out that in Mehboob case [(2004) 2 SCC 362 : 2004 SCC (Cri) 551] and Amarmani case [(2005) 8 SCC 21 : 2005 SCC (Cri) 1960 (2)] the bail was cancelled as it was established that there were serious attempts to tamper with the evidence and to interfere with and sidetrack the investigation and threaten the witnesses. It is pointed out that as laid down by this Court in Sanjay Gandhi case [(1978) 2 SCC 411 : 1978 SCC (Cri) 223] and Dolat Ram case [(1995) 1 SCC 349 : 1995 SCC (Cri) 237] the bail granted should not have been cancelled by way of reappreciating evidence.

.....

18. As is evident from the rival stands, one thing is clear that the parameters for grant of bail and cancellation of bail are different. There is no dispute to this position. But the question is if the trial court while granting bail acts on irrelevant materials or takes into account irrelevant materials whether bail can be cancelled. Though it was urged by learned counsel for the appellant that the aspects to be dealt with while considering the application for cancellation of bail and on appeal against the grant of bail,



it was fairly accepted that there is no scope for filing an appeal against the order of grant of bail. Under the scheme of the Code the application for cancellation of bail can be filed before the Court granting the bail if it is a Court of Session or the High Court.”

(v) Ram Govind Upadhyay V. Sudarshan Singh and others, reported in (2002) 3 SCC 598 wherein it was held that tampering with the evidence and threatening of the witnesses are two basic grounds for cancellation of bail:

“10. In our view, the High Court has committed a manifest error in the matter of grant of bail when public tranquillity has been stated to be disturbed on the election day and when there is an obstruction for the exercise of a right guaranteed under the Constitution and when there is an existence of crime against the society at large. Irrespective of different factors to be taken note of in regard to the cancellation of the grant of bail, in our view interest of justice seems to be overwhelmingly in favour of the appellant herein in the matter of cancellation of the bail. The elder brother has been brutally murdered and the proceeding is pending before the Sessions Judge. It is during the period when the accused persons were enlarged



on bail that another FIR was recorded and the charge-sheet having been filed, the Court ought to have taken a serious note of these factual details. Tampering with the evidence and threatening of the witnesses are two basic grounds for cancellation of bail — both these two factors stand alleged and by reason of subsequent filing of the charge-sheet therein, there should have been some mention of it in the order for grant of bail. The factum of the second charge-sheet has been omitted in its entirety.

(emphasis supplied)

vi) Mahant Chand Nath Yogi v. State of Haryana, reported in (2003) 1 SCC 326 wherein it was held that normally, very cogent and overwhelming grounds or circumstances are required to cancel the bail already granted.

“17. This Court in Subhendu Mishra v. Subrat Kumar Mishra [2000 SCC (Cri) 1508] following the principles stated in Dolat Ram v. State of Haryana [(1995) 1 SCC 349 : 1995 SCC (Cri) 237] has reiterated that there is a distinction between rejection of bail in a non-bailable case at the initial stage and the cancellation of bail already granted. Normally, very cogent and overwhelming grounds or circumstances are required to cancel the bail already granted. In the present case, the High Court, it appears, did



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not bear this distinction in mind and cancelled the bail in a mechanical manner.”

vii) Mithabhai Pashabhai Patel v. State of Gujarat, reported in (2009) 6 SCC 332 :

“19.Generally the grounds for cancellation of bail, broadly, are, interference or attempt to interfere with the due course of administration of justice, or evasion or attempt to evade the course of justice, or abuse of the liberty granted to him. The due administration of justice may be interfered with by intimidating or suborning witnesses, by interfering with investigation, by creating or causing disappearance of evidence, etc. The course of justice may be evaded or attempted to be evaded by leaving the country or going underground or otherwise placing himself beyond the reach of the sureties. He may abuse the liberty granted to him by indulging in similar or other unlawful acts.....”

12. From a reading of the above judgments, the following principles relating to cancellation of bail emerge viz.,

a. Cancellation of bail is a serious matter involving deprivation of personal liberty.



b. Grant of bail and cancellation of bail stand on a different footing.

c. Bail already granted should not be cancelled in a routine or mechanical manner. Only cogent and overwhelming circumstances, which threaten the fairness of the trial or the interest of justice, would warrant such interference.

d. Following circumstances justify cancellation of bail

- (i) If he interferes with the course of investigation;
- (ii) If he attempts to tamper with the evidence;
- (iii) If he attempts to influence/threaten the witnesses;
- (iv) If he evades or attempts to evade court proceedings;
- (v) If he indulges in activities which would hamper smooth investigation;
- (vi) If he is likely to flee from the country;



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(vii) If he attempts to make himself scarce by going underground and/or becoming unavailable to the investigating agency;

(viii) If he attempts to place himself beyond the reach of his surety.

(ix) If any facts may emerge after the grant of bail which are considered unconducive to a fair trial.

It must be clarified that the aforesaid list is only illustrative and not exhaustive.

e. Tampering with the evidence and threatening of the witnesses are two basic grounds for cancellation of bail.

13. From the above discussion, it appears that the petitioner, after having been released on bail, has intimated/threatened the respondents herein to withdraw the complaint. It is trite law that tampering with evidence or threatening witnesses are two basic grounds for cancellation of bail. In the present case, the Court below have found that, upon being enlarged on bail, the petitioner threatened the respondents, which necessitated rather compelled the Court below to cancel the bail already



CRL RC(MD), No.135 of 2026

granted. This Court is conscious of the fact that the yardsticks applicable for cancellation of bail are different from those governing the grant of bail, and that the power to cancel bail must be exercised with care and circumspection. However, where there exist cogent and overwhelming circumstances, such power can be invoked. From the facts narrated above and on the basis of material on record, this Court is of the view that this is one such case where the power of cancellation of bail warrants exercise.

14. At this stage, the learned counsel for the petitioner submitted that there is a possibility of settlement between the parties. It is always open to the petitioner to explore such possibilities in accordance with law. However, this Court is not inclined to interfere with the impugned order. It is made clear that this order shall not stand in the way of the parties, if they are willing on their own volition to arrive at a settlement in accordance with law.



CRL RC(MD), No.135 of 2026

15. In the result, this Criminal Revision Case is disposed of on the above terms. Consequently, connected Miscellaneous Petition is closed.

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26.02.2026



CRL RC(MD). No.135 of 2026

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TO

1. The Judicial Magistrate,
Karaikudi
2. The Inspector of Police,
Karaikudi North Police Station, .
Karaikudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL RC(MD), No.135 of 2026

MOHAMMED SHAFFIQ,J.

LS

CRL RC(MD) No.135 of 2026

26.02.2026