



CRL OP(MD). No. 6335 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date : 10.04.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No. 6335 of 2026

Dr.M.Gopinath

...Petitioner/Accused

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Thanjavur Medical College Police Station
Thanjavur
Crime No.353 of 2025

...Respondent

For Petitioner : Mr.V.Muthukamatchi
Advocate.

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl. Side)

PETITION FOR SET ASIDE Under Sec.483(1)r/w.528 of BNSS

PRAYER :- Petition filed under Sec.483(1)r/w.528 of BNSS to set aside the order passed in Crl.M.P.No.604 of 2026 dated 05.03.2026 on the file of the Principal Sessions Judge, Thanjavur and grant bail tot he petitioner and allow the above criminal original petition.

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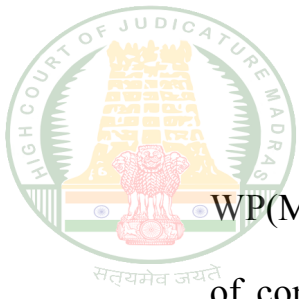
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ORDER : The Court made the following order :-

WEB COPY This Petition has been filed to set aside the order passed in CrI.M.P.No.604 of 2026 dated 05.03.2026 on the file of the Principal Sessions Judge, Thanjavur, wherein the respondent herein have filed petition to cancel the bail granted to the petitioner.

2. According to the petitioner there is a dispute between the petitioner and the Dean where he was working, thereby a complaint has been lodged at the instigation of the Dean by the defacto complainant and thereafter the petitioner was arrested and released on bail by the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No. 4147 of 2025 dated 31.07.2025. Again a false complaint has been filed as against the petitioner in Crime No. 02 of 2026 based on the instigation made by the same Dean. This Court has granted bail in that case and both the cases have been filed at the instigation of the Dean as against the petitioner. Since the second First Information Report has been registered the respondent police has filed petition to cancel to the bail granted to the petitioner on the ground that he had breached the earlier condition by committing the same offence. Infact the earlier complaint was motivated one and the same has been recorded by this Court

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WP(MD) No.25245 of 2025 and this Court has recorded there is no breach

of condition as alleged by the prosecution, however the learned Sessions

Judges allowed the petition to cancel the bail granted to the petitioner.

3. According to the prosecution the petitioner frequently involved in the offence against women. Based on the complaint lodged by the defacto complainant a case has been registered in Crime No.353 of 2025 for the offences under Sections 75(i) (ii) of BNS r/w. Section 4 of TNPHW Act and thereafter he was arrested and released on bail by the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No. 4147 of 2025 dated 31.07.2025. Thereafter the petitioner was detained under Act. 14 of 1982 and the detention order was set aside. However again the petitioner committed the offence under POCSO Act and thereby a case has been registered in crime No.2 of 2026 for the offences under Section 9(e) r/w. 10 of POCSO Act, therefore the respondent police have filed petition to cancel the bail. After hearing both sides, the learned Sessions Judge, correctly cancelled the bail granted to the petitioner since the petitioner involved in similar kind of offence, therefore the petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.



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5. In this case it is admitted that earlier a case has been registered in Crime No.353 of 2025 by the respondent police for the offence under Sections 75(i)(ii) of BNS r/w. Section 4 of TNPHW Act and the Sessions Court granted bail through an order dated 31.07.2025 by imposing condition . One of the condition is not to indulge in similar kind of offence. However another case has been registered in Crime No.2 of 2026 for the offences under Section 9(e) r/w.10 of POCSO Act . According to the petitioner both the complaints have been lodged at the instigation of the Dean, Thanjavur Medical College Hospital due to the motive between the petitioner and Dean. The petitioner also filed a writ petition WP(MD) No.25245 of 2025, wherein this Court after perusing the complaint made in Cr.No.353 of 2025 observed that the very statement of the victim clearly shows that the basis of the suspension appears motivated and the complainant has been compelled to give complaint for the sole purpose of getting the petitioner suspended and thereby interim stay has been granted.

6. This Court earlier after perusing the complaint observed that the complaint is motivated and this Court also has granted bail for the subsequent First Information Report and thereby it cannot be sated that the



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petitioner breached the condition imposed by the trial Court. There are no materials for the involvement of the accused for the similar kind of offence.

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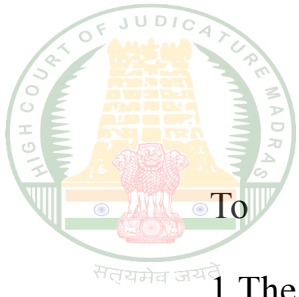
Mere registration of the First Information Report based on the motivated complaint is not sufficient to cancel the bail already granted to the petitioner. Therefore the order passed by the learned Sessions Judge by cancelling the bail granted to the petitioner is unsustainable. It is well settled law that once the Court granted bail at the time of considering the cancellation of bail application has to pass orders based on record and the said power has to be exercised sparingly and therefore the order passed by the learned Sessions Judge is liable to be set aside.

7. In view of the same, this Criminal Original Petition stands allowed and the order passed by the learned Principal Sessions Judge, Thanjavur in Crl.M.P.No.604 of 2026 dated 05.03.2026 is set aside and the earlier bail granted to the petitioner by the Sessions Court is restored.

(P D B J)
10.04.2026

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Note: Issue order copy on 15.04.2026



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To

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- 1.The Principal Sessions Judge, Thanjavur
- 2.The Inspector of Police,
Thanjavur Medical College Police Station
Thanjavur
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J

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ORDER
IN
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