



IN THE COURT OF PRINCIPAL SESSIONS JUDGE, SIVAGANGAI.

PRESENT: Tmt. K.Arivoli., M.A., M.L.,

Principal Sessions Judge, Sivagangai.

Tuesday, the 07th day of July - 2026

Criminal Miscelenace Petition.1259/2026

in

Crime No.4/2025

(CNR No.TNSV01001991-2025)

S.Maravarmasundarapandian,

SIPCOT Police station.

Sivagangai District.

. . . Petitioner

.Vs.

Mageshwaran, (Age 26) S/o.Ramakrishnan,

V.Puthukulam, Sivagangai Taluk, Sivagangai District.

. . . Respondent/Accused

The petition coming on this day for final hearing before me in the presence of Thiru.R.Balamuruganantham, Public Prosecutor for the Petitioner and of Thiru.S.Valmekanathan, Advocate for the Respondent/Accused, after hearing both sides and perusing the petition, counter and records, this court delivers the following . . .

ORDER:-

This petition is filed to cancel the bail granted to the respondent/accused person by this Court as per the order passed in Cr.M.P.No.542/2025, dt:



04.03.2025 for the offences u/s.296(b), 308(4), 351(3) of B.N.S. Act and 25(1A) Arms Act.

1. Crux of the petition:

The petiitoner is working as a Inspector of Police attached with Sipcot police station. The repondent / accused on 11.01.2025 at 07.00 a.m abused defacto complainant and snatched Rs.400/- by committing extortion with sword, put in fear. In this regard, FIR was registered in Crime No. 4/2025, u/s. 296(b), 308(4), 351(3) of B.N.S Act and 25(1A) Arms Act against accused person. On completion of investigation final report was filed before the Judicial Magistrate court. Accused has subsequently committed another offences for which case was registered in Sipcot Police Station Cr.No.38/2026 u/s.191(2), 191(3), 324(4), 303(2) NH, 351(3) BNS & 4 of TNPHW ACT on 03.03.2026. The accused was arrested and remanded to judicial custody on 08.05.2026. This subsequent involvement in another offence is clear violation of the liberty provided by the court of the law. Accused is a notorious history sheeter on the file of Sipcot Police Station bearing HS No. 83/2014 and has been categorized as a B history sheeter is and having 10 number of cases registered against him including 1 murder cases, 1 attempt to murder cases, 06 violent property crime cases and 02 other cases.

**2. Crux of the Counter:**

(i) The respondent police did not prefer the petition before this Hon'ble court in proper manner and proper section. Seeking cancellation of the bail ought to be filed in proper section empowered by U/S 439(2) of CrPc or 483(2) of Bharatiya Nagarik Suraksha Sanhita. but in the petition preferred by the respondent police no section was mentioned hence this petition is not maintainable before this Court.

(ii) That the case mentioned in the petition judgement rendered by The Hon'ble apex Court Chunilal and others vs State of Punjab, 1196, Abdul Basir vs Mohammed Abdul Kadir Chaudary and State of Madhya Pradesh vs Anil Saket, the Hon'ble apex Court considered and discussed various aspect and entirely different for seeking cancellation of bail in this petition, that no record no document were produced by the respondent police to show the involvement of the accused in the subsequent offence.

(iii) In the case of Dolat Ram & Others Vs. State of Haryana reported in (1995) 3 SCC 349, Xv. State of Telangana and Another reported in [(2018)16 SCC, XI, Victim SC No.211 of 2018 of POCSO Court V. State of Kerala and Others [2019 (3) KHC 26], the Hon'ble Apex Court laid down the principles with regard to the nature of the enquiry to be conducted by the court concerned, while considering an application for cancellation of bail. Mere violation of the condition alone is not sufficient to cancel the bail granted by the



court. Before taking a decision, the court has to conduct a summary inquiry based on the records, including the documents relating to the subsequent crime and arrive at a conclusion as to whether it is necessary to cancel the bail or not. Therefore, the orders impugned in these cases are to be considered by applying the yardstick as mentioned above.

(iv) Therefore, the custody of the petitioner is not at all necessary, and hence not finds any justifiable reason to sustain the order of cancellation of bail.

(v) The mere registration of a subsequent crime against the accused by itself cannot result in an automatic cancellation of bail. Registration of a subsequent crime is only an indication of an allegation a complaint of the accused having been involved in a subsequent crime. The presumption of innocence available to the accused in the second crime, the right to liberty as a fundamental right under Article 21 of the Constitution of India which envelopes every provision of the Code of Criminal Procedure are factors which cannot be forgotten by the Court when called upon to cancel the bail. The possibility of false accusations being alleged with oblique motives also cannot be ignored. The nature of the subsequent offence and the persons against whom the offence is alleged to have been committed, the stage of the case wherein cancellation is sought are also factors that require appreciation. Apart from the above, while arriving at the conclusion to cancel the bail, the Court must also consider



whether the accused had misused the liberty granted in such a manner that it has a tendency to interfere with the due course of the administration of justice. Thus, every case presents a unique situation and close scrutiny ought to be indulged in to identify whether overwhelming circumstances are indeed present in the subsequent crime which necessitates the cancellation of bail earlier granted.

(vi) That previous cases mentioned in the petition by the respondent police in the petition the accused is facing fair trial before the concern court and the no NBW is pending in any court to the against the accused. Therefore the petition may be dismissed.

3) Whether the petition is to be allowed or not?

4) Both side arguments heard.

5) ON POINT:

It is not in dispute that in Crime No.4/2025 of Sipcot police station, FIR was registered against respondent / accused person and investigation is completed. At this stage, the petitioner filed this petition for the relief as indicated

6) The petitioner in the application has specifically stated that the respondent was released on bail as per order passed in Cr.M.P.No.542/2025, dt 04.03.2025 with conditions. But accused has subsequently committed another offences for which case was registered in Sipcot Police Station Cr.No.38/2026 u/s.191(2), 191(3), 324(4), 303(2) NH, 351(3) BNS & 4 of TNPHW ACT on



03.03.2026. The accused was arrested and remanded to judicial custody on 08.05.2026. This subsequent involvement in another offence is clear violation of the liberty provided by the court of the law. Accused is a notorious history sheeter on the file of Sipcot Police Station bearing HS No. 83/2014 and has been categorized as a B history sheeter is and having 10 number of cases registered against him including 1 murder cases, 1 attempt to murder cases, 06 violent property crime cases and 02 other cases and bail order may be cancelled.

7) In the counter objections, the respondents specifically stated that the Hon'ble Apex Court laid down the principles with regard to the nature of the enquiry to be conducted by the court concerned, while considering an application for cancellation of bail. Mere violation of the condition alone is not sufficient to cancel the bail granted by the court. Before taking a decision, the court has to conduct a summary inquiry based on the records, including the documents relating to the subsequent crime and arrive at a conclusion as to whether it is necessary to cancel the bail or not.

8) At the out set, the court has to underline that the cancellation of bail is a drastic order; normally the court would not entertain such cancellation petiiton unless sufficient and valid grounds are available.

9) Before going to discuss about the averments stated in the application this court wants to refer Hon'ble Apex court judgments in which principles laid and also in what circumstances bail granted to the accused can be cancelled. Our



Hon'ble Apex court and High Court in the following cases dealt with this aspects.

1) Deepak Yadav /vs/ State of UP (AIR 2022 SC 2514)

Bail once granted, should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. In case of cancellation of bail very cogent and overwhelming circumstances are necessary for an order directing cancellation of bail already granted. Cancellation of bail cannot be limited to the occurrence of supervening circumstances. Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:- a) Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record. b) Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim. c) Where the past criminal record and conduct of the accused is completely ignored while granting bail. d) Where bail has been granted on untenable grounds. e) Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice. f) Where the grant of bail was



not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified. g) When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.

2) Bhuri Bai /vs/ State of Madhya Pradesh (2022(3)MWN (Cr) 337(SC)

Section 439(2) – Cancellation of Bail – Scope of exercise of power of cancellation of Bail – Normally, very cogent and overwhelming circumstances or grounds required to cancel Bail – Unless a strong case based on any supervening event made out, order granting bail not to be interfered with – Power of cancellations of Bail under section 439(2) to be exercised with extreme care and circumspection – Cancellation cannot be ordered merely for any perceived indiscipline on part of Accused before granting bail – But, can be ordered only where liberty of Accused counteract requirements of proper trial.

3) State through Central Bureau of Investigation /vs/ T. Gangi Reddy (2023(2) SCC(Crl.) 241)

Generally the grounds for cancellation of bail, broadly, are :

- 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.

4) State /vs/ R.S.Bharathi and another (2020 SCC On Line Mad 1209)

Cancellation of Bail – Now it is well settled by various pronouncements that normally bail would be cancelled when it is established that (1) when the accused is involving in tampering of evidence during the investigation or during the trial (2) When the person on bail commits similar offence or any heinous offence during the period of bail. (3) When the accused has absconded during the trial and the case is delayed on that account. (4) When the offence so committed by the accused that created serious law and order problem in the society. (5) The accused is becoming hazard to the peaceful living of the people. (6) When the superior court found that the lower court exercised his judicial power wrongly. (7) When the accused has misused the privilege of bail. These are all the illustrative circumstances to cancel the bail.

In this legal backdrop, this court has to consider this application.

10) In this case, admittedly, the court granted bail in Cr.M.P.No.542/2025, dt 04.03.2025 to the respondent on a specific condition



that they shall appear and sign daily the Sipcot police station daily morning at 10.00 a.m., and shall sign for 30 days and thereafter, shall appear on summons.

11) The petitioners filed this application to cancel the bail on a sole ground that the respondents did not comply with the condition considering the gravity of the offence committed by the accused in this case and the subsequent cases, the likelihood of the accused to indulge in similar violent bodily offences and property crimes by misusing his liberty cannot be ruled out and thus making it a fit case for cancellation of the bail granted by this court in the interest of public safety and security.

12) The learned counsel for the respondents specifically contended that the mere registration of a subsequent crime against the accused by itself cannot result in an automatic cancellation of bail. Registration of a subsequent crime is only an indication of an allegation a complaint of the accused having been involved in a subsequent crime. The presumption of innocence available to the accused in the second crime, the right to liberty as a fundamental right under Article 21 of the Constitution of India which envelopes every provision of the Code of Criminal Procedure are factors which cannot be forgotten by the Court when called upon to cancel the bail. The possibility of false accusations being alleged with oblique motives also cannot be ignored. The nature of the subsequent offence and the persons against whom the offence is alleged to have



been committed, the stage of the case wherein cancellation is sought are also factors that require appreciation.

13) It is not the specific case of the petitioner that respondent did not comply with condition imposed by the this court while granting bail. Further, it is not the case of the petitioner that the respondent tamper the witnesses and hamper the investigating. Nothing is on record to show that the respondent made an attempt to interfere with due course of administration of justice.

14) Considering the facts and circumstances and in the light of principles laid down by our Hon'ble Apex court and our High Court, reasons set out in the petition, this court is of the view there is no any cogent and overwhelming circumstances warranting the cancellation of the bail. Nothing is on record to show that accused person made an attempt to interfere with the due to course of administration of justice. In such circumstances, this court cannot cancel the bail. Considering above discussions and in the interest of justice, this court comes to the conclusion that the reasons stated in the application for cancellation of bail is not sustainable.

15) The learned Public Prosecutor by relying the judgments reported in I) Chunilal and others Vs State of Punjab, 1996, II) Abdul Basir Vs Mohammed Abdul Kadir Chaudary, III) State of Madhya Pradesh Vs Anil Saket argued that, bail granted to the respondents may be cancelled. As already indicated that it is not the case of the petitioner that the respondent not complied with the



condition imposed in the bail order for substantial period. In the present application, no circumstances shown by the state for cancelling the bail. No supervening circumstances have been highlighted, stated, argued by the petitioner. In such circumstances, the facts and circumstances of the said case is not applicable to this application circumstances and this point is answered accordingly.

In the result, ***this petition is dismissed.***

Dictated to the steno-typist, typed by his in computer directly, corrected and pronounced by me in open court this the 07th day of July, 2026.

Principal District Judge,
Sivagangai.

Copy to :-

1. The Judicial Magistrate, Manamadurai.
2. The Public Prosecutor, Sivagangai.
3. The Inspector of Police, SIPCOT Police station.
4. Counsel for the accused.

Principal District and Sessions Court,
Sivagangai.

Crl.M.P.No.1259/2026

Dated:07.07.2026.

ORDER