

**BEFORE THE COURT OF SESSIONS DIVISION OF
VELLORE DISTRICT, TAMIL NADU**

Present: Thiru.M.Elavarasan,
Principal Sessions Judge, Vellore.

Wednesday, the 17th day of June, 2026

**Cr.M.P.No.1140 of 2026 in Cr.M.P.No.265/2026 in Cr.No. 493 /
2025**

CNR.No.TNVL01-001697-2026

Muruganandham, (M-60),
S/o Kandhasamy,
No.82/26, Narimurugappa Mudhali Street,
Pichanoorpet, Gudiyatham,
Vellore District.

...Petitioner/Defacto Complainant.

-vs-

A1. Gangadharan,(M-54)
S/o S.Velayutham

A3. Raja @ Rajavel,(M-47)
S/o A.C.Mahadevan

A5. Sharmila,(F-45)
W/o Gangadharan

...Respondents/Accused

-vs-

The State Represented by
Station House Officers
Gudiyatham Town P.S.
Vellore District
Tamil Nadu.
Crime No.493 of 2025.

...Respondent/Complainant

This petition is coming before me for hearing on today in the presence of Thiru P. Mohanavelu, learned counsel for the petitioner/defacto complainant and of Thiru S.P.Revanth, learned counsel for the respondents/accused and the learned Public Prosecutor for the respondent/complainant and, after hearing both sides, this court, delivered the following:

O R D E R

Petition filed by the petitioner / defacto complainant Under section 482 of BNSS to cancel the bail granted this court in Cr.M.P.No.265 of 2026, dated 27.01.2026.

2. Petition averments in brief :-

Based on the complaint dated 14.12.2025 of the defacto complainant, a case in Crime No.493 of 2025 was registered by Gudiyatham Town Police Station for the offences under Sections 191(2), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, in which the respondents were arrayed as accused. Subsequently, this Court, by order dated 27.01.2026 in Cr.M.P. No.265 of 2026, granted anticipatory bail to the respondents subject to the condition that they should appear and sign before the Judicial Magistrate, Gudiyatham, daily at 10.30 a.m. on all working days, which condition they are presently complying with. The learned counsel for the petitioner / defacto complainant would further submit that after granting anticipatory bail, the respondents / accused involved in another occurrence for which a case in Cr.No.74 of 2026 was

registered against them. The respondents / accused in this case are habitual offenders who frequently indulge in quarrels and create nuisance to the petitioner, his family members and residents of the locality, thereby causing disturbance to public peace and the day-to-day activities of the area, misusing liberty and continued involvement in criminal activities. Hence, the petitioner / defacto complainant seeks cancellation of the anticipatory bail granted to the respondents in Cr.M.P. No.265 of 2026 by this Court dated 27.01.2026.

3. Counter averments of the respondents / accused in brief :-

The petition for cancellation of anticipatory bail is not maintainable, as it has been filed by the defacto complainant and not by the investigating agency, which has not sought cancellation of bail. All the allegations are false, vexatious and arise out of a long-standing dispute relating to Kirubanantha Variyar Mandabam at Gudiyatham. The respondents, they have strictly complied with all the conditions imposed by this Court in Cr.M.P. No.265 of 2026 dated 27.01.2026 by regularly appearing and signing before the Judicial Magistrate, Gudiyatham, and even the petitioner has admitted such compliance in the cancellation petition. A counter case in Crime No.494 of 2025 was also registered against the petitioner arising out of the same occurrence and that the petitioner himself was granted anticipatory bail therein, demonstrating that the dispute is a two-sided conflict. The respondents further contend that the petitioner has no locus standi to rely upon Crime No.74 of 2026, as he is neither the complainant, injured person nor a witness in the said

case, and that the complainant therein is an entirely different individual. The case in Crime No.74 of 2026 is a false and fabricated case, pointing to alleged inconsistencies between the FIR and medical records. The respondents would further submit that anticipatory bail was granted after due consideration of all relevant facts and that no supervening circumstances have arisen thereafter. None of the settled grounds for cancellation of bail, such as violation of bail conditions, misuse of liberty, tampering with evidence, influencing witnesses, absconding, or any other circumstance detrimental to a fair investigation, has been established. Hence, they pray for dismissal of the petition for cancellation of anticipatory bail as being devoid of merits.

4. The Point for consideration in this petition is that whether the petition filed by the petitioner / defacto complainant seeks cancellation of the anticipatory bail granted to the respondents/accused by this Court in Cr.M.P. No.265 of 2026 dated 27.01.2026 is liable to be allowed or not?

5. On Point :-

The petitioner/defacto complainant has filed this petition seeking cancellation of the anticipatory bail granted to the respondents/accused by this Court in Cr.M.P. No.265 of 2026, dated 27.01.2026, on the ground that the accused are habitual offenders and that they have subsequently involved themselves in another offence, for which a case in Cr.No.74 of 2026 has been registered. The respondents/accused contend that they have been strictly complying with all the conditions imposed by

this Court and that no violation of any bail condition has either been alleged or established. They further contend that the petitioner is neither the complainant nor the victim in Cr.No.74 of 2026 and, therefore, cannot seek cancellation of bail merely on the ground that another case has been registered against the respondents. Hence, they prayed for dismissal of the petition.

6. A perusal of the records reveals that a case was registered against the respondents/accused in Cr.No.493 of 2026 based on the complaint given by the present petitioner. Further, another complaint was lodged by the respondents, and a counter-case was also registered in Cr.No.494 of 2026. The respondents filed an anticipatory bail application seeking anticipatory bail, and considering the fact that the dispute was civil in nature and that a counter-case had also been registered against the petitioner, anticipatory bail was granted by this Court subject to certain conditions, including the condition that the respondents/accused shall appear and sign before the Judicial Magistrate, Gudiyatham, daily at 10.30 a.m. on all working days until further orders. Further, the respondents surrendered before the Court and obtained anticipatory bail. It is also seen that the respondents/accused complied with the conditions imposed, and subsequently, the said condition was relaxed by this Court. Therefore, there is no violation of any of the conditions imposed while granting anticipatory bail by the respondents.

7. It is well settled that cancellation of bail already granted stands on a different footing from rejection of bail. Once bail has been granted, it can be cancelled only upon the existence of cogent and overwhelming circumstances, such as violation of bail conditions, misuse of liberty, tampering with evidence, influencing or threatening witnesses, absconding, or other supervening circumstances affecting the fair course of investigation or the administration of justice. Mere allegations or the registration of another case, without any supporting material establishing misuse of the concession of bail, would not by themselves constitute sufficient grounds for cancellation. Further, no legal grounds for cancellation have been made out, since the well-settled grounds for cancellation of bail are: (i) violation of bail conditions; (ii) misuse of liberty; (iii) tampering with evidence or influencing witnesses; (iv) absconding; or (v) supervening circumstances rendering the continuance of bail detrimental to public interest. However, not even a single one of these grounds has been made out in the present petition. As rightly argued by the learned counsel for the respondents, the mere registration of a fresh case against the respondents cannot, by itself, be a ground for cancellation of bail granted in another case. Except for the allegation regarding registration of another case, no other allegation has been made. When the respondents/accused have neither violated any of the conditions imposed in the anticipatory bail order nor indulged in any act amounting to misuse of the concession of bail, the petitioner/defacto complainant has not explained as to how he has been prejudiced merely because another case has been registered against the respondents.

8. It is also pertinent to note that the power to cancel bail is an extraordinary power and is not intended to be exercised as a measure of punishment or merely because a subsequent accusation has been made against an accused. Unless there are specific materials placed before the Court to demonstrate that the respondents/accused have attempted to interfere with the course of investigation, influence witnesses, evade the process of law, or otherwise misuse the liberty granted to them, the valuable right to personal liberty secured by an order of bail cannot be lightly interfered with. In the present case, except for the fact that another criminal case has been registered against the respondents/accused, no material whatsoever has been produced to show any conduct warranting cancellation of the anticipatory bail already granted. Therefore, this Court is of the view that the petitioner has failed to establish any supervening circumstance justifying exercise of the power of cancellation of bail.

9. In view of the above facts and circumstances, this Court does not find any substantial reason to hold that the respondents/accused have abused the concession of bail or that the order granting bail is legally unsustainable. In the absence of cogent and overwhelming circumstances, which are necessary for passing an order directing cancellation of bail already granted, this Court finds no valid ground to cancel the anticipatory bail granted to the respondents/accused in Cr.M.P. No.265 of 2026, dated 27.01.2026. Hence, the petition filed by the petitioner/defacto complainant cannot be entertained, and the same is liable to be dismissed.

10. In the result, this petition is dismissed.

Dictated to the Steno Typist, typed by him directly, corrected and pronounced by me in Open Court, this the 17th day of June, 2026.

Principal Sessions Judge,
Vellore.

To

The Judicial Magistrate, Gudiyatham.

The Station House Officer, Gudiyatham Town P.S.