

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.

PRESENT: **Thiru.K.H.Elavazhagan, B.Sc., M.L.,**
Principal District and Sessions Judge, Thanjavur.

Tuesday, the 4th day of July, 2026.
(Thiruvalluvarandu 2057 Sri Parabhava Aandu Aadi Thingal 19th day)

Criminal Miscellaneous Petition No. 2499/2025
CNR No. TNTJ01 – 004054 – 2025

K.Muthulakshmi, aged 40/2025,
W/o.Karunanithi,
No.246/2 Nadutheru,
Kilamangalam, Thiruvonam Taluk,
Thanjavur District.

Petitioner / Wife of the Defacto
Complainant

...
versus

1) State of Tamil Nadu represented by
The Sub Inspector of Police,
Pappanadu Police Station,
Cr. No. 21/2024

1st Respondent / Complainant

2) M.Balasubramanian, aged 45/2025,
S/o.Manickam,
Nadutheru, Kilamangalam,
Thiruvonam Taluk,
Thanjavur District.

2nd Respondent / A1

This Criminal Miscellaneous Petition was coming on 31.07.2026 for final hearing before me and upon hearing the arguments of Thiru.R.Govindaraj, Learned Advocate appearing for the petitioner and of Thiru.R.Madialagan, Learned Public Prosecutor appearing for the 1st respondent and Thiru.B.V.Pathy, Learned Advocate appearing for the 2nd respondent and upon perusing the available records and having stood over for consideration till this day, this Court passed the following ...

ORDER

(1) The petitioner has filed this petition under Section 483(3) of the

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Bharatiya Nagarik Suraksha Sanhita, 2023, praying to cancel the bail granted to the 2nd respondent/accused in CrI.M.P.No.965/2025, dated 15.02.2025, by the Principal District and Sessions Court, Thanjavur and to direct the 2nd respondent/accused to surrender his passport before the Court, so as to prevent him from leaving India.

(2) Brief averments of the petition are as follows:

2.1) The petitioner is the wife of the deceased, Karunanithi and is residing with her children at KilaMangalam, Thiruvonam Taluk, Thanjavur District. On 12.01.2024 at about 2.00 p.m., while her husband was working in their agricultural field, the 2nd respondent/accused, Balasubramanian, who is the younger brother of the deceased, along with his wife Kamala, picked up a quarrel due to a long-standing dispute relating to agricultural land. During the course of the quarrel, the 2nd respondent allegedly attacked the deceased with a spade, causing a grievous cut injury on the right side of his head.

2.2) It is further stated that the deceased was initially admitted to the Thanjavur Medical College Hospital, where he underwent surgery. Thereafter, he was treated at Neuro One Hospital, Tiruchirappalli, Ganga Hospital, Coimbatore, A to Z Hospital, Thanjavur, and again at Thanjavur Medical College Hospital. However, despite prolonged treatment, he succumbed to the injuries on 12.03.2024.

2.3) The petitioner further states that on the basis of her complaint, Crime No.21/ 2024 was registered on the file of the Pappanadu Police Station initially for the offences under Sections 294(b), 342, 506(ii) and 324 IPC, and subsequently

Section 326 IPC alone was added. According to the petitioner, though the injured later died due to the injuries sustained in the occurrence, the investigating agency has not altered the case into culpable homicide/murder, despite her representations.

2.4) It is the further case of the petitioner that the 2nd respondent had gone abroad after the occurrence and has now returned to India. Taking advantage of the situation, he filed CrI.M.P.No.965/2025 before the Principal District and Sessions Court, Thanjavur, seeking bail. According to the petitioner, while obtaining the bail order dated 15.02.2025, the 2nd respondent suppressed the material fact that the injured had died and falsely represented that the case was only under Section 324 IPC and that the injured had already been discharged from the hospital. By suppressing the true facts, he misled the Court and obtained the order of bail.

2.5) The petitioner further apprehends that the 2nd respondent is likely to leave India once again and evade the criminal proceedings. Therefore, she seeks cancellation of the bail granted to the 2nd respondent and also prays for a direction to him to surrender his original passport before the Court so as to prevent him from leaving the country.

(3) Brief averments of the counter filed by the 1s respondent/ complainant are as follows:

3.1) This respondent contends that the petition filed by the petitioner/defacto complainant is neither maintainable in law nor on facts and is therefore liable to be dismissed.

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3.2) This respondent admits only the facts relating to the registration of the criminal case and the order passed in the bail petition, as stated by the petitioner. All the other allegations are specifically denied.

3.3) This respondent further contends that it is for the petitioner to establish that her husband was continuously under treatment after the alleged occurrence and that he subsequently died due to the injuries said to have been sustained in the incident. The petitioner has not produced any medical records or other acceptable documents along with this petition to establish that the death of the deceased was a direct consequence of the injuries allegedly caused by the 2nd respondent.

3.4) This respondent further submits that the petitioner has not established that the 2nd respondent has violated any of the conditions imposed by this Court while granting bail. In the absence of any violation of the bail conditions or any other valid ground for cancellation of bail, this petition is not maintainable. Hence, prayed to dismiss the petition.

(4) Points that arise for consideration in this petition are as follows:

(i) Whether the 2nd respondent / accused has breached the conditions imposed upon him while granting bail by this Court ?

(ii) Whether this application can be allowed ?

Answering to the Points No. 1 & 2:

(5) A case was registered against the 2nd respondent / A1 and his wife/A2 accused in crime No.21/2024 for the offences punishable under Section 294(b), 342,

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506(ii) and 324 of IPC, on the file of Pappanadu Police Station and subsequently, section 326 IPC was altered. In relation to this case, the 2nd respondent /A1 therein has been granted anticipatory bail by the Order of this Court subject to the following conditions:

(1) In the event of arrest or on his appearance before the Jurisdictional Magistrate, the petitioner is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Jurisdictional Magistrate,

2) The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and also submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their identity,

3) The petitioner shall appear and sign before the respondent daily at 10.30 a.m. for a period of 15 days (including holidays) from the next day of execution of bond before the Jurisdictional Magistrate, without fail and thereafter, as and when required for interrogation,.

4) The petitioner shall comply with the conditions stipulated u/s 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2025 scrupulously,

5) The petitioner shall surrender before the Jurisdictional Magistrate within 30 days from the date of this order, failing which, this anticipatory bail order shall stand cancelled automatically without any further reference to this court.

6) On breach of any of the above said conditions, the Jurisdictional Magistrate is entitled to take appropriate action against the petitioner in accordance with law as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala reported in (2005) AIR SC W 5560

7) If the petitioner thereafter absconds, a fresh FIR can be registered under section 269 of BNS and

8) The Station House Officer of Respondent P.S. is directed to send a report to this court as to compliance of reporting condition by the petitioner.

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(6) The Hon'ble Supreme Court of India, in *P.K.Shaji vs. State of Kerala* reported in (2005)AIR SCW 5560, has held that:

“The order of the Sessions Court shows that the learned Magistrate has been empowered to consider the question of violation of any of the conditions imposed by the Sessions Court and was given powers to pass appropriate orders. The plea raised by the appellant's learned Counsel is that when the learned Magistrate had no such power, the Sessions Court was not empowered to invest that power in the Magistrate. We do not find any force in this contention. The superior court can always give directions of this nature and authorise the subordinate court to pass appropriate orders and the trial Magistrate would be the competent authority to decide whether any condition had been violated by the person who had been released on bail. When there is a specific direction to pass appropriate orders as if the conditions for granting bail had been imposed by the learned Magistrate himself, the impugned Order is legal and valid.”

(7) According to the petitioner, the 2nd respondent obtained anticipatory bail by suppressing the fact that the injured had subsequently died and by making false representations before the Sessions Court. It is also contended that the investigating agency has not altered the case even after the death of the injured. The petitioner further apprehends that the 2nd respondent may leave India again and evade the criminal proceedings. On the above grounds, the petitioner seeks cancellation of the anticipatory bail granted to the 2nd respondent and a direction to surrender his passport.

(8) Per contra, the learned Public Prosecutor appearing for the 1st respondent submitted that the petitioner has not produced any material to establish

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that the 2nd respondent has violated any of the conditions imposed while granting anticipatory bail. It is further submitted that the petitioner has also failed to establish that the death of the deceased was directly due to the injuries sustained in the occurrence or that the 2nd respondent obtained the bail order by suppressing material facts. In the absence of any breach of the bail conditions or any other valid ground for cancellation of bail, it is prayed that the petition be dismissed.

(9) This Court has carefully considered the rival submissions and perused the records. A perusal of the bail order shows that the 2nd respondent/A1 was granted anticipatory bail subject to certain conditions. There is no material available before this Court to show that the 2nd respondent/A1 has violated any of the conditions imposed while granting anticipatory bail. In the absence of any breach of the bail conditions, the question of cancellation of bail does not arise.

(10) The main contention of the petitioner is that the 2nd respondent/A1 obtained the bail order by suppressing the fact that the injured had subsequently died. However, no material has been placed before this Court to show that the 2nd respondent intentionally suppressed the said fact or obtained the bail order by misleading the Court. Further, whether the investigating agency ought to have altered the case is a matter relating to the investigation and by itself, cannot be a ground for cancellation of bail.

(11) The apprehension expressed by the petitioner that the 2nd respondent may leave India is only an apprehension. No material has been placed before this

Court to show that the 2nd respondent has attempted to abscond, evade the proceedings, tamper with the prosecution witnesses, or misuse the liberty granted to him after the grant of anticipatory bail.

(12) In **P.K. Shaji v. State of Kerala**, reported in **(2005) AIR SCW 5560**, the Hon'ble Supreme Court has held that where an accused violates the conditions imposed while granting bail, the competent Court is empowered to take appropriate action in accordance with law.

(13) In the present case, this Court finds that the petitioner has not placed any material to establish that the 2nd respondent/A1 has violated any of the bail conditions or misused the liberty granted by this Court. Therefore, this Court finds that no valid grounds have been made out for cancellation of the anticipatory bail granted to the 2nd respondent/A1. Hence, this Court is not inclined to allow this petition. Accordingly, Point Nos.1 and 2 are answered against the petitioner.

(14) In the result, this Criminal Miscellaneous Petition is dismissed.

Dictated to Steno-typist, typed by her directly in computer directly, corrected and pronounced by me in the open Court, on this 4th day of August, 2026.

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**Principal District and Sessions Judge,
Thanjavur.**

Order / Fair Order in

Crl.M.P. No.2499/2025

Prl. District and Sessions Court, Thanjavur.

Dated: 04.08.2026.

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