

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1240 of 2015

and

M.P.No.1 of 2015

Kangeyan

... Petitioner/Accused

vs

State represented by
The Inspector of Police
Sedarapet Police Station
Puducherry

... Respondent/Complainant

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining in Crl.M.P.No.981 of 2015 and to set aside the order passed by the learned Principal Sessions Judge, Puducherry and confirm the earlier order passed in Crl.M.P.No.811 of 2015.

For Petitioner : Mr.K.Balu

For Respondent : Mr.M.R.Thangavelu, APP

O R D E R

This revision arises against the order of learned Principal Sessions Judge, Puducherry, passed in Crl.M.P.No.981 of 2015 on 07.07.2015.

2. Petitioner and 3 others were accused of offences u/s.323,324,435,427,506(ii) r/w 34 IPC in case registered in Crime No.35/2015 on the file of respondent. Petitioner was granted bail in Crl.M.P.No.811 of 2015 under orders dated 04.06.2015 by learned Principal Sessions Judge, Puducherry. Subsequently Crl.M.P.No.981 of 2015 was filed by the State seeking cancellation of bail on the ground that the petitioner had failed to comply with the condition of bail viz., to appear before the Station House Officer, Yanam Police Station, daily at 9.00 a.m and 5.30 p.m. It was represented to the court below that the petitioner had refused to receive the notice in the application seeking cancellation of bail. In such circumstance, the court below was pleased to cancel the bail granted to the petitioner under orders dated 07.07.2015. Against such order, this revision has been filed.

3. It is the submission of learned counsel for petitioner that the petitioner never intended to disobey the conditions imposed in the order of bail passed by the court below. Petitioner took ill and hence, was unable to comply with the order. Learned counsel produced the discharge summary issued by Sri Lakshmi Narayana Institute of Medical Sciences, Puducherry, wherein the petitioner was admitted as an inpatient between 08.06.2015 and 12.06.2015 for treatment of fracture to the right clavicle suffered by him. Learned counsel further submits that though an order of cancellation of bail was passed, the petitioner has not been taken into custody.

4. Heard learned Additional Public Prosecutor (Puducherry) on the above submissions.

5. Considering the submissions made, this Court would allow this revision. The order of learned Principal Sessions Judge, Puducherry, passed in CrI.M.P.No.981 of 2015 on 07.07.2015, is set aside. The order of the court below passed in CrI.M.P.No.811 of 2015 granting relief of bail to the petitioner would stand revived. Instead of the condition imposed under such order requiring the petitioner to appear before the Station House Officer, Yanam Police Station, daily at 9.00 a.m and 5.30 p.m., the petitioner shall now be required to appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required. Connected miscellaneous petition is closed.

kpr

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Principal Sessions Judge,
Puducherry
2. The Inspector of Police
Sedarapet Police Station
Puducherry
3. The Public Prosecutor, Puducherry
High Court, Madras.
4. The Station House Officer,
Yanam Police Station, Yanam,
Puducherry.

+ 1 cc to Mr.K.Balu Advocate SR 65016

+ 1 cc to Public Prosecutor, Puducherry, High Court, Madras SR
65129

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