

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2015

CORAM :

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

Crl.R.C.No.836 of 2015
and M.P.No.10 of 2015

Mr.Balaji

... Petitioner/Accused

Vs.

State, rep. by
The Inspector of Police,
Koradachery Police Station,
Thiruvarur.
(CrimeNo.220/2015)

... Respondent/Complainant

Prayer: Revision filed under Sections 397 & 401 of Cr.P.C praying to call for the records in Crl.M.P.No.1181 of 2015 in Crl.M.P.No.955 of 2015 on the file of the learned Principal District and Sessions Judge, Tiruvarur and to set aside the order dated 06.08.2015.

For Petitioner : Mr.N.R.Elango, Senior Counsel
for M/s.R.Vivekananthan
For Respondent : Mr.V.Arul, Government Advocate

ORDER

The Criminal Revision Case has been filed by the petitioner praying to set aside the order dated 06.08.2015 in Crl.M.P.No.1181 of 2015 in Crl.M.P.No.955 of 2015, whereby the learned Principal District and Sessions Judge, Tiruvarur has cancelled the anticipatory bail granted to the petitioner.

2.The learned counsel for the petitioner submitted that the Court below has cancelled the anticipatory bail granted to the petitioner on the ground that the petitioner did not comply with the condition imposed by the Court below and he did not report before the Police authority for two days ie., on 13.07.2015 and 14.07.2015. As per the conditions imposed by the Court below for grant of anticipatory bail, the petitioner has to stay in Pudukottai Police Station limits and report before the Ganesh Nagar Police Station, Pudukottai. According to the learned counsel for the petitioner, the petitioner had to admit his daughter in the hospital due to her illness; hence, suddenly he had gone to Tiruvarur and admitted his daughter in a hospital and as such, he could not inform the Police Authorities with regard to his absence in Pudukottai. Thereafter, the petitioner has

complied with the condition imposed by the Court below from 27.07.2015 to 06.08.2015. But, in the meanwhile, the prosecution has filed Crl.M.P.No.1181 of 2015 seeking cancellation of bail granted to the petitioner. But, the Court below, without considering the fact that the non-compliance of the condition by the petitioner is not willfull and it is only because of his concern towards his daughter, has cancelled the bail granted to the petitioner.

3.The learned counsel for the petitioner would further submit that the petitioner is ready to give an undertaking that he will appear before the trial Court on all hearing days and he will abide by any condition to be imposed by the Court below. Further, the petitioner has been granted anticipatory bail subsequently in connection with another case also. Thus, the learned counsel for the petitioner submitted that the non-compliance of the condition by the petitioner for two days could be leniently considered and the petitioner could be granted bail.

4.The learned Government Advocate (Crl.Side) submitted that if there is violation of the conditions imposed by the Court for grant of bail, then cancellation of bail is automatic. However, he would submit that on verification from the Police, it has now transpired that the petitioner has admitted his daughter in the hospital during his absence.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side).

6.No doubt, the petitioner has violated the condition imposed by the Court below while granting anticipatory bail to him. The petitioner did not report before the Police authorities as directed by the Court below and he did not obtained the permission from the Court to enter the Tiruvarur and as such, he violated the condition imposed by the Court below, which is a serious one. However, the violation was done only because of the fact that the petitioner had to take his daughter to the hospital due to her illness. Hence, taking into consideration the extraordinary situation, under which the petitioner did not report before the Police authorities, this Court is of the view that some leniency could be shown to the petitioner by the Court.

7.Hence, the impugned order is set aside and the petitioner is directed to surrender before the Court below on 17.08.2015 and file appropriate application, along with the affidavit of undertaking to the effect that he will appear before the trial Court on all hearing days and he will comply with all the conditions to be imposed by the Court below. On such application being filed by the petitioner, the Court below is directed to consider the same and pass appropriate orders, by imposing any condition as required.

8.With the above terms, the Criminal Revision Case is partly allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

SSV

To

1.The Principal District and Sessions Judge,
Tiruvarur.

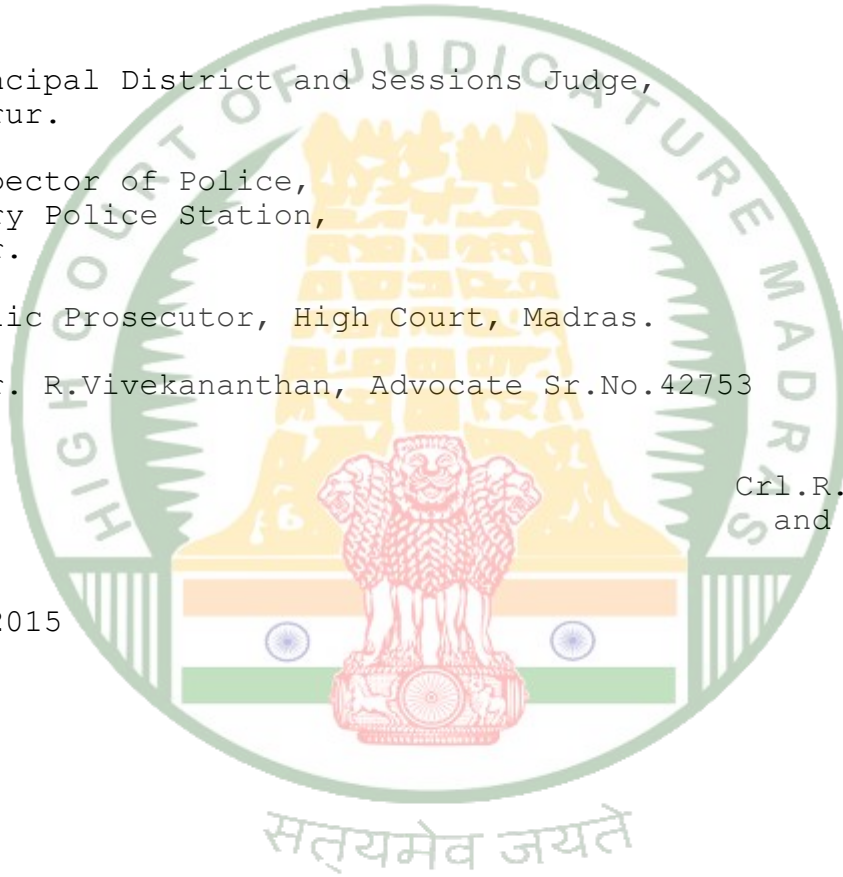
2.The Inspector of Police,
Koradachery Police Station,
Thiruvarur.

3.The Public Prosecutor, High Court, Madras.

1 cc to Mr. R.Vivekananthan, Advocate Sr.No.42753

Crl.R.C.No.836 of 2015
and M.P.No.1 of 2015

gj (co)
pmk.14.8.2015



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