

CRL.O.P. No.26542 of 2016

Dr.P.DEVADASS, J.

Petition for anticipatory bail in Cr.No.311 of 2016.

2. Offences alleged are under Sections 294 (b), 323, 324 and 506 (ii) I.P.C.
3. Heard the learned counsel for the petitioners and the learned Govt. Advocate (Crl.side).
4. In Crl.M.P.No.835 of 2016, the learned Principal Sessions Judge, Ariyalur, on 09.11.2016, granted Anticipatory Bail, with a direction to surrender on or before 24.11.2016, failing which, Anticipatory Bail will stand cancelled automatically.
5. The learned counsel for the petitioners submits that for certain reasons beyond their control, they could not surrender and execute the bail bond. Now, they cannot go before the Ariyalur Sessions Court. In view of the anomalous situation, at any time they will be arrested.
6. I have heard the learned Government Advocate (Crl.Side). In law, there cannot be automatic cancellation of bail. Before cancelling bail, opportunity should be given to the accused and he should be asked to give reasons, why his bail should not be cancelled. If it is acceptable, it can be sustained. If not, then, appropriate orders can be passed. Automatic cancellation of bail or anticipatory bail is unknown to law.
7. This Court understands the predicament of the petitioners. Now, the petitioners cannot go before Ariyalur Sessions Court, for extension of time, because, time for execution of bail bond is already over.

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8. In these circumstances, this Court can intervene under Section 438 Cr.P.C.

9 Ordered as under

i) Anticipatory bail granted to the petitioners.

(ii) Petitioners shall surrender before the learned Judicial Magistrate, Jayagondam, within 15 days of receipt of a copy of this order;

(iii) Petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the said Magistrate;

(iv) Petitioners shall appear and sign before the said Magistrate daily at 10.00 a.m. for 15 days and thereafter, as and when required for interrogation.

20.12.2016

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