

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.Nos.1274, 1275 and 1276 of 2016
&
Crl.M.P.Nos.11420,11421 and 11422 of 2016

Mani@ Manikandan ... Petitioner in all cases

Vs.

State by
The Inspector of Police
E-3, Teynampet Police Station
Chennai
(Crime Nos.401,859 and 861 of 2016) ... Respondent in all cases

Common Prayer: Criminal Revisions filed under Section 397 and 401 Cr.P.C. to set aside the order of cancellation of bail made in Crl.M.P.Nos.12918,12919 and 12920 of 2016 in Crl.M.P.Nos.12460,12461 and 12462 of 2016 by the learned Principal Sessions Judge, Chennai on 31.08.2016.

For Petitioners: Mr.N.R.Elango, Senior Counsel
for Mr.V.Devendhiran

For Respondent: Mr.R.Rajarathinam, Public Prosecutor

C O M M O N O R D E R

These revision challenges the order of cancellation of bail made in Crl.M.P.Nos.12918,12919 and 12920 of 2016 in Crl.M.P.Nos.12460,12461 and 12462 of 2016 by the learned Principal Sessions Judge, Chennai on 31.08.2016.

2. Petitioner had been granted relief u/s.438 of Cr.P.C in cases registered in Crime Nos.401,859,861 of 2016 on the file of the respondent. Petition seeking cancellation of bail were moved in Crl.M.P.Nos.12918,12919 and 12920 of 2016 and such petitions came to be allowed by the learned Principal Sessions Judge, Chennai on 31.08.2016. Aggrieved thereby, petitioner preferred the present revisions.

3. Heard the learned counsel for petitioner and the learned Public Prosecutor for respondent.

4. The reasons informed by the learned Principal Sessions Judge are: Prosecution had established that the petitioner/accused is not residing at No.9, Sathyamurthy Nagar, Teynampet, the address which he has furnished in the anticipatory bail petition. Prosecution has further established through records that the previous antecedents of the petitioner/accused was not brought to the notice of the Court while considering the anticipatory bail petitions. The accused, who was granted bail earlier in two other cases, has failed to comply with the condition of reporting before the Investigating Officer.

Considerations for grant of bail and cancellation thereof totally are different. A Court should not be seen to be trigger happy in ordering cancellation of bail. Even in the event of non compliance with conditions imposed in granting bail, a Court should consider the possibility of ensuring compliance rather than resorting to cancellation in a routine manner. Non compliance with conditions imposed in some other order of bail never can be a consideration for cancellation. It is for the prosecuting agency to cite such instance before the Court which granted bail in such case towards seeking cancellation, if considered necessary. Even awareness that an accused has not complied with conditions imposed by it in granting bail in a case would not entitle a Court to direct cancellation of bail in a different case. The prosecution not bringing to Court notice the antecedents of the accused is not the fault of the accused and he cannot be required to suffer cancellation of bail owing thereto. Cancellation of bail cannot be ordered merely because an accused had changed his address after obtaining an order of bail. Considerations in passing the order under challenge do not justify the cancellation of bail. Accordingly, the criminal revisions are allowed with the consequence that the petitioner will now comply with the orders in CrI.M.P.Nos.12460,12461 and 12462 of 2016 dated 01.08.2016. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge, Chennai

2.The Inspector of Police
E-3, Teynampet Police Station
Chennai

3.The Public Prosecutor
High Court, Madras

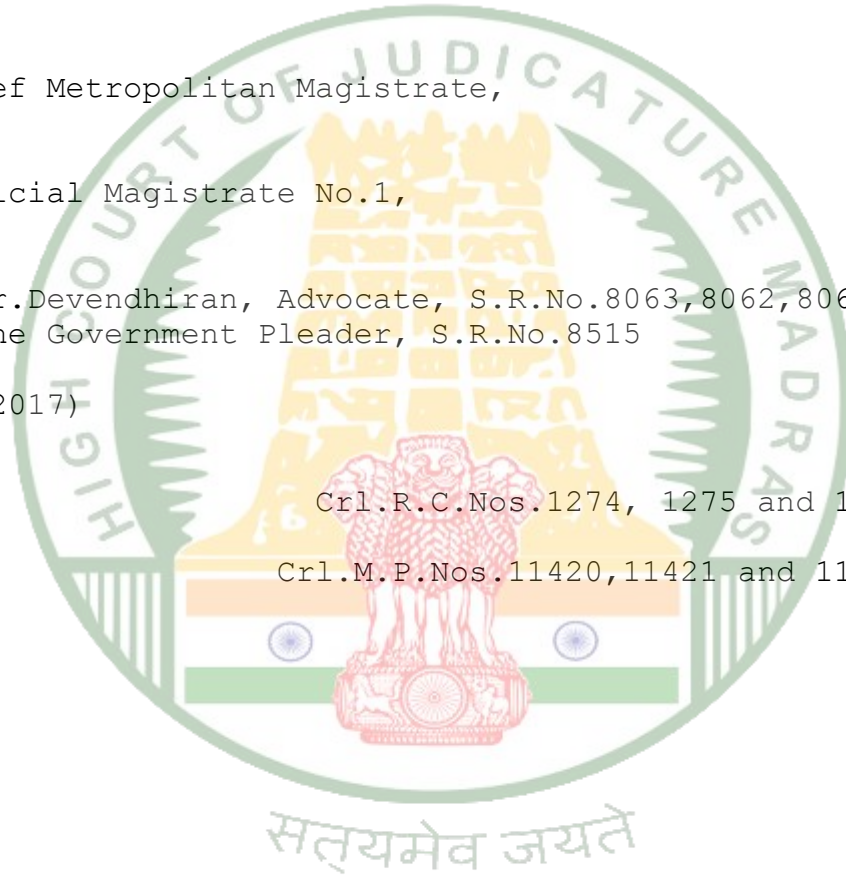
4.The XVII Metropolitan Magistrate,
Chennai.

5.The Chief Metropolitan Magistrate,
Chennai.

6.The Judicial Magistrate No.1,
Madras.

+3cc to Mr.Devendhiran, Advocate, S.R.No.8063,8062,8061
+1cc to the Government Pleader, S.R.No.8515
SSI(CO)
RS(17/04/2017)

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