

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.367 of 2017

ORDER:

Aggrieved by the order dated 27.12.2016 in CrI.MP.No.1697 of 2016 in P.R.C.No.23 of 2015 on the file of the III Additional Judicial Magistrate of First Class, Chittoor District, the petitioner/ A6 filed this revision.

Heard both sides.

There is nothing to interfere with the impugned order passed by the lower Court in dismissing the N.B.W. and taken the petitioner to custody for the earlier absence, despite concession of bail granted by his abusing. However, the fact remains that once bail is granted and the same is not cancelled specifically, invoking Section 439(2) or 437(5) Cr.P.C., the bail order is in force for being co-terminus otherwise from conclusion of trial. Once such is the case, the earlier bonds given to produce the accused from the N.B.W. taken to custody liable to be forfeited. If the accused is ready to pay the penalty pursuant to the bond, he can be released on execution of fresh bond.

Having regard to the above, liberty is given to the petitioner to approach the learned Magistrate by payment of penalty to the earlier bond executed and furnish fresh solvency to be released afresh on its acceptance, subject to the satisfaction of the legal requirements. It is made clear that if penalty paid by the accused, the sureties cannot be made liable further for any penalty on the earlier bonds.

With the above directions, the Criminal Revision Case is disposed of before admission.

Miscellaneous petitions, pending if any, shall stand closed.

Date:14-02-2017

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Dr. B. SIVA SANKARA RAO, J

