

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7634 OF 2017

ORDER:

Heard learned counsel for the petitioner/A13 of Crime No.508 of 2016 of Station House Officer, II Town Police Station, Eluru, who obtained bail in CrI.P.No.57 of 2017 and there is a conditional bail granted by the Court on merits and one of the conditions is to report before the SHO every week for a period of three months or till filing of the final report, which ever event first occurs.

2. Undisputedly, there is no final report so far filed and he failed to attend to comply with the conditions. The court got the power to cancel the bail either on its own or on moved by even a public leave about a witness or the victim. Law is fairly settled in this regard. Order 3 of CPC provides that once the vakalat filed in the bail application at the crime stage that continues and the advocate on record did not report no instructions in writing before the court, his refusal to receive notice stating he has no further instructions is a refusal by party. The contention that there is no notice and opportunity is thereby unsustainable that too for a person absconding having taken the concession of bail without complying with the conditions as the case on hand, thereby there are no merits to set aside the bail cancellation order

passed by the learned Sessions Judge in CrI.M.P.No.142/2017, dated 03.07.2017. However, for the same is not the be all and end all and a fresh bail application is maintainable. Petitioner is given liberty to file fresh bail application for the court to pass with necessary conditions.

3. Accordingly and with the above observation, this Criminal Petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

13.09.2017
SS

DR.B.SIVA SANKARA RAO, J

