

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

CrI.R.C.No.412 of 2018

Devadass

...Petitioner/Accused

Vs.

State Rep.by

The Station House Officer,
Mangalam Police Station,
Through Public Prosecutor,
Puducherry

...Respondent/Complainant

PRAYER: Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order of Hon'ble Principal Sessions Court at Puducherry in CrI.M.P.No.2537 of 2017 U/s.397 Cr.P.C r/w 401 Cr.P.C.

For Petitioner : Mr.R.Kannabiran

For Respondent : Mr.Bharathachakravarthy
Public Prosecutor (Puducherry)

O R D E R

This Criminal Revision Petition is filed to set aside the order of learned Principal Sessions Court at Puducherry in CrI.M.P.No.2537 of 2017.

2. The learned counsel for the petitioner has submitted that the petitioner had been arrested under Section 3 of Explosive Substances Act 1908. Notice given to the Public Prosecutor for the State and the reply received. The case of the prosecution is that on 12.11.2016 at about 22.15 hrs. the accused exploded a fire cracker on the front door of the house of the defacto complainant and thereby damaged wooden frame and mirror and thereby endangered the human previous enmity. The learned Principal Sessions Court at Puducherry, was granted bail in CrI.M.P.No.2537 of 2017 dated 04.02.2017 with a condition to report before the SHO at 10 a.m and 5.00 p.m and until further orders. The petitioner was not able to complied the condition

due to the illness. In the Meantime, the complainant has filed an application to cancel the bail. The complainant has not served any notice for cancellation of bail, but the bail was cancelled by the learned Sessions Court at Puducherry.

3. The learned counsel for the petitioner further submitted that the petitioner filed bail application before the said Principal Sessions Judge at Puducherry on 18.12.2017 in the above said Cr.No.101 of 2016. The trial Court was dismissed the bail application on the same day since the petition is not maintainable. The petitioner moved fresh bail application before the Chennai High Court in Crl.O.P.No.1365 of 2018. This Court advised the petitioner to withdraw the bail application in Crl.O.P.No.1365 of 2018 since it is also not maintainable. So, according to the advise of the Court, this petitioner withdrawn the bail application on 24.01.2018.

4. After hearing both the parties, taking note of the fact that the petitioner was initially granted bail in Crl.M.P.No.2537 of 2017 dated 04.02.2017 with a condition to report before the SHO at 10.00am and 5.00 p.m and until further orders. Subsequently, for non-compliance of the condition, bail was cancelled and he was produced on warrant. Taking note of the consideration that the petitioner is in judicial custody for more than 150 days and the matter is pending under investigation.

5. Taking into consideration of the above facts and circumstances of the case, this Court is inclined to bail on condition that the petitioner shall be released on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate - IV, Puducherry and on a further condition that the petitioner shall report before the trial Court for a period of three weeks daily.

6. Accordingly, this Criminal Revision Petition is disposed of.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The Principal Sessions Court at Puducherry

2. The Judicial Magistrate IV
Puducherry.

3. The Station House officer
Mangalam Police Station
Puducherry.

4. The Public Prosecutor(Puducherry)
High Court, Madras.

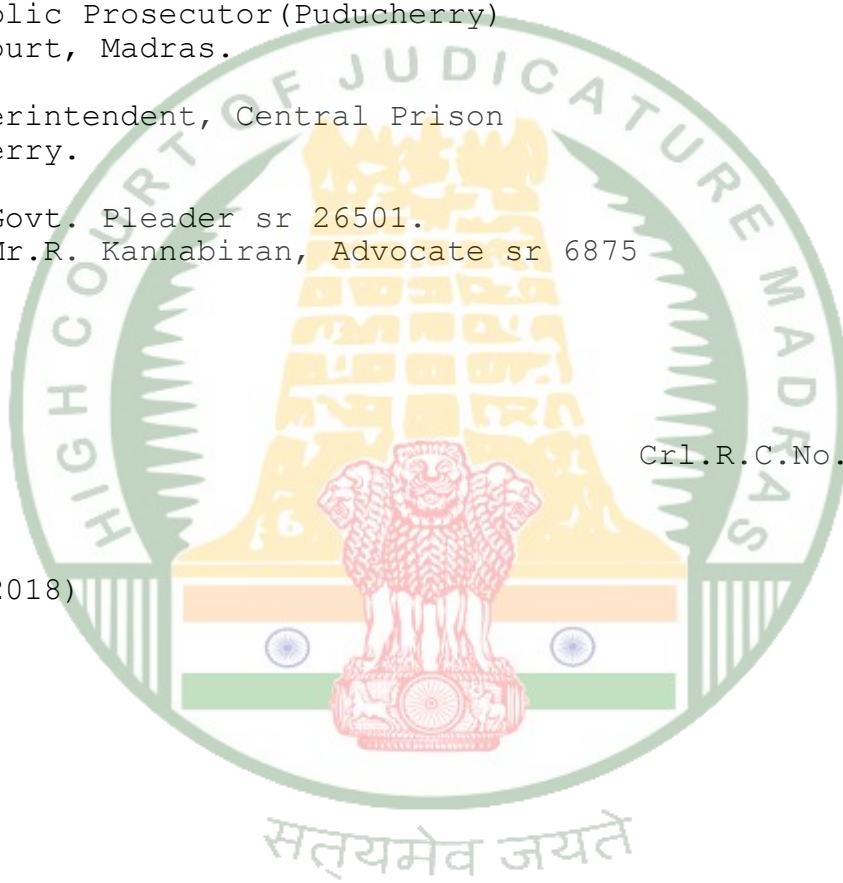
5 The Superintendent, Central Prison
Puducherry.

+1 CC to Govt. Pleader sr 26501.

+1 CC to Mr.R. Kannabiran, Advocate sr 6875

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SP(16/04/2018)



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