

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.11097 of 2018

Chinnapparaj @ David

... Petitioner/Accused

vs.

The State Rep.by
Station House Officer,
Odiansalai Police Station,
Pondicherry.
Crime No.139 of 2016

... Respondent/Petitioner

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to set-aside the order passed in Crl.M.P.No.1609 of 2016 by the Principal Sessions Judge, Pudhucherry.

For petitioner : Mr.S.Paul Gnanamuthu
For Respondent : Mr.Bharatha Chakravarthy
Additional Public Prosecutor
(Puducherry)

O R D E R

This Criminal Original Petition has been filed to set aside the order passed in Crl.M.P.No.1609 of 2016 by the Principal Sessions Judge, Puducherry.

2. The petitioner is an accused in Odiansalai Police Station Crime No.139 of 2016 for the offences under Sections 294 (b), 323, 324 and 506(ii) of IPC r/w Sec.34 of IPC. The petitioner was granted anticipatory bail in Crl.M.P. No.1164 of 2016 on 02.08.2016 on condition that he should stay at Yanam and report before the Station House Officer, Yanam Police Station, twice in a day, viz., at 10.00 a.m and 5.30 p.m. for a period of 10 days only. The petitioner did not comply with this order. Thereafter, the State filed Crl.M.P.No.1609 of 2016 in Crl.M.P.No.1164 of 2016 in Crime No.139 of 2016 for cancellation of anticipatory bail before the Sessions Court, Puducherry. The Sessions Judge, after entertaining the application for cancellation of anticipatory bail, directed the petitioner to appear before the Court, despite which, the petitioner did not bother to appear. Therefore, the Sessions Judge, Puducherry allowed Crl.M.P.No.1609 of 2016 and cancelled the anticipatory bail in Crl.M.P.No.1164 of 2016 dated 02.08.2016, aggrieved by which, the accused is before this Court.

3. Heard the learned counsel appearing for the accused and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. The learned counsel for the accused submitted that the accused met with an accident and therefore, he reported before the Station House Officer, Yanam Police Station only on one day and was not able to report for the other days. He further submitted that the accused is willing to abide by the aforesaid conditions.

5. On a reading of the order dated 25.10.2016, it is seen that the petitioner did not even care to appear before the Sessions Court, despite the directions by the Judge. The Sessions Court was indeed very indulgent in not cancelling the anticipatory bail immediately, but by giving an opportunity to the petitioner to appear for enquiry, which the petitioner did not avail. When the petitioner has no respect for Court, no further indulgence need be shown.

Accordingly, this petition is dismissed as being devoid of merits.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gms/vsa

To

1.The Station House Officer,
Odiensalai Police Station,
Pondicherry.

2. The Principal Sessions Judge,
Puducherry.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.VIJAYAKUMAR, Advocate, S.R.No. 36902

+1cc to the Government Pleader, S.R.No.36673

Crl.O.P. No.11097 of 2018

KK(CO)

TR(21/06/2018)