

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16471 of 2017

Nazreen

...Petitioner

vs.

1.Abdul Wahab

2.Union Territory of Puducherry,
Rep. by its Station House Officer,
All Women Police Station,
Town PS,
Puducherry.
(Crime No.2 of 2016)

...Respondents

PRAYER: Criminal Original Petition is filed under Section 439(ii) of Cr.P.C.,
to cancel the anticipatory bail granted in Crl.O.P.No.11025 of 2017, dated
28.06.2017.

WEB COPY

For Petitioner

: M/s.B.Janakiram

For Respondent

:Mr.V.Balamurugane
Additional Public Prosecutor
(Pondicherry) for R2

ORDER

The criminal original petition has been filed seeking to cancel the anticipatory bail granted in Crl.O.P.No.11025 of 2017, dated 28.06.2017.

2. When this case came up for hearing on 11.02.2019, this Court passed the following order:

"The learned counsel for the petitioner would submit that this Court granted anticipatory bail to the first respondent by an order, dated 28.06.2017. According to the learned counsel for the petitioner, the respondent Police have completed the investigation and have also filed a final report and the same has been taken on file in C.C.No.65 of 2018 pending on the file of the Chief Judicial Magistrate, Puducherry.

2.The grievance of the petitioner is that the first respondent has not at all appeared before the Court below and therefore, the present petition seeking for cancellation of bail should be allowed.

3. There is no appearance for the first respondent. If the first respondent does not appear before the Court below, Section 446 A of Cr.P.C. will come into operation. The violation of the bond condition itself is a ground for cancellation of bond which in turn will amount to cancellation of very bail itself.

4. Post this case on 15.02.2019 for further orders."

3. Even today there is no representation for the first respondent.

4. The learned counsel for the petitioner brought to the notice of this Court, the status of the case in C.C.No.65 of 2018, wherein it is found that the first respondent has not appeared before the Court and NBW has already been issued against him. This case has been pending for quite a long time, without the appearance of the first respondent.

5. From the above, it is clear that the first respondent taking advantage of the anticipatory bail order passed by this Court, has failed to appear before the Court below, at the time of hearing and therefore, he has violated the conditions of bail.

N.ANAND VENKATESH, J.

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6. In the considered view of this Court, the Court below ought to have taken further action under Section 446(A) of Cr.P.C, by cancelling the bail bond executed by the first respondent.

7. In view of the above, the anticipatory bail granted in favour of the first respondent by this Court by an order dated 28.06.2017 is hereby cancelled and the Court below is directed to proceed further with the pending proceedings in accordance with law and shall ensure that the first respondent is secured by the respondent police. Accordingly, this Criminal Original Petition is allowed.

18.02.2019

Speaking Order/Non-Speaking Order

Index : Yes/No

Internet : Yes/No

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To

1.The Union Territory of Puducherry,
Rep. by its Station House Officer,
All Women Police Station,
Town PS,
Puducherry.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.16471 of 2017