

3743/96/41
R.D.C. NO. 2743/96/41

C I R C U L A R

Sub: - Bail - Granting of bail for non-bailable offences - Notice to the concerned Station House Officer in-charge of investigation - Instructions - Issued.

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It has been brought to the notice of the High Court that even though instructions were issued to the effect that when an application for bail is made, intimation should be sent to the Station House Officer in-charge of the investigation, to give him a reasonable opportunity to make his representation to the Magistrate, the Magistrates are releasing the accused on bail in non-bailable cases, without affording sufficient opportunity to the police to represent their objections to release the accused. This results in the absconding of the accused at later stages and consequently, the court issues non-bailable warrants to those accused. This causes delay in disposing the cases.

The High Court, considered the said difficulty and in order to avoid such difficulty, issues the following instructions, to all the Judicial Magistrates, for observance:-

"The Judicial Magistrates and the Metropolitan Magistrates are hereby directed that necessary notice, on bail applications for non-bailable offences, should be given to the concerned Station House Officer

(contd.....)

in-charge of the investigation, so as to enable him to submit his objections to the court within the time fixed by the concerned court. Further, if the Assistant Public Prosecutor is in attendance, he can be heard immediately".

All the District and Sessions Judges and Additional District Judge-cum-Chief Judicial Magistrates, the Chief Metropolitan Magistrate, Egmore, Chennai and the Principal Judge, City Civil Court, Chennai, are directed to communicate the said circular, to all the Magistrates under their control, for observance. Any deviation in this regard would be viewed seriously.

The receipt of the circular is required to be acknowledged at once.

HIGH COURT, MADRAS.
DATED : 11.12.1997.

Sd/-MALAI SUBRAMANIAM,
REGISTRAR.

/True copy/Forwarded/By Order/

ASSISTANT REGISTRAR (GENERAL)

To

1. All the District and Sessions Judges.
2. The Chief Metropolitan Magistrate, Egmore, Chennai.
3. The Principal Judge, City Civil Court, Chennai.
4. All the District Judge-cum-Chief Judicial Magistrates.

Copy to:-

The Director of Prosecution, 22, Sydenhams Road,
Periamet, Chennai-3.

spare copies-5.

des/15.12.

Subscribed
copy communicated to all Judicial
magistrates.

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5/2/98

RECEIVED