

**In Re: Mannem Edukondalu**

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**SooperKanoon Citation :** [sooperkanoon.com/427012](http://sooperkanoon.com/427012)

**Court :** Andhra Pradesh

**Decided On :** Apr-07-1956

**Reported in :** 1957CriLJ1230

**Judge :** Umamaheswaram, J.

**Appellant :** In Re: Mannem Edukondalu

**Judgement :**

ORDER

**Umamaheswaram, J.**

1. The petitioner filed an application for bail before the Sessions Judge, Guntur, when he was committed to take his trial under Sections 302 and 309, Indian Penal Code. The application was filed on 19th September, 1955 and the Sessions Judge directed notice to be given by the petitioner's counsel to the Public Prosecutor. The advocate for the Petitioner contended that he was under no obligation to give notice to the Public Prosecutor. The Sessions Judge held that the Court was entitled to direct notice before granting bail and overruled the contention addressed on behalf of the petitioner. The learned Judge also held, on the merits, that it was not a fit and proper case for granting bail. As against this order, the petitioner has preferred the revision case.

2. Sri T. V. Sarma, the learned Advocate, repeated the argument, namely, that he was not bound to give notice, though directed to do so by the Sessions Judge. It is

conceded that notice is given to the Public Prosecutor (i) both the Sessions Court and in the High Court when a bail application is filed in the P. R. C. cases and (ii) when a bail application is filed in the High Court on behalf of a person committed to the Court of Session. Sri Sarma, however, contends that when a person is committed to the Sessions and when all the records are available to the Sessions Judge including the order of committal, there is no necessity for him to give notice to the Public Prosecutor in such a case. Section 498, Criminal Procedure Code, enacts that the amount of every bond executed under Chapter 39 should be fixed with due regard to the circumstances of the case and shall not be excessive.

It further provides that the High Court or Court of Session may, in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a police officer or Magistrate be reduced. In order to enable the Sessions Judge to decide whether bail should be granted or not and what exactly are the terms on which he should be granted bail, it would be advantageous, if notice is given to the Public Prosecutor. Though there is no provision which compels the Court to give notice to the Public Prosecutor before granting bail, I am unable to hold that the Court has no such power Or Jurisdiction to direct notice in appropriate cases. I am therefore unable to accept the contention of Sri Sarma that he was not bound to carry out the order of the Sessions Judge directing notice to be given to the Public Prosecutor.

3. In the result, this Criminal Revision Petition also fails and is dismissed.

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