

Crl.O.P.No.5481 of 2016

R.MALA, J.

The petitioner, who is arrayed as 3rd accused, was arrested on 18.02.2016 for the alleged offence punishable under Sections 341 and 397 r/w 34 of IPC, in Crime No. of 2014, on the file of the respondent police and hence, seeks bail.

2. The learned counsel appearing for the petitioner would submit that a case has been registered against the petitioner and other accused under Sections 397 r/w 34 I.P.C. and the petitioner is the 3rd accused. Due to the non appearance of the petitioner, a non bailable warrant was issued against him on 11.01.2016 and thereafter he was arrested on 18.02.2016 and hence, he prays for enlargement on bail.

3. At this juncture, the learned Government Advocate (Crl.side) would submit that totally there are six accused in this case and this petitioner is A-3 and the accused 1 and 6 died pending trial. Due to the

non appearance of the petitioner, a non bailable warrant was issued against him on 11.01.2016, due to which, he was arrested on 18.02.2016. He further submitted that the case has been pending before the trial Court stood adjourned to 15.03.2016 for examination of witnesses and hence, he prays for dismissal of this application.

4. Considering the rival submissions made by both sides and on perusal of the documents filed in the form of typed set of papers, it is seen that the occurrence said to have been taken place in the year, 2004 and charge sheet has been filed in the year, 2012. When the matter was posted for examination of P.Ws. 12 and 13 on 11.01.2016, on that day, due to non appearance of the petitioner, a non bailable warrant was issued against him. Subsequently, he was arrested on 18.02.2016. Under such circumstances, since the case is at trial stage, I am not inclined to grant bail to the petitioner.

5. Accordingly, this petition is dismissed. However, the 1st Additional Judge, City Civil Court, Chennai is directed to dispose of the case in

S.C.No.230 of 2012 within a period of one month from the date of receipt of a copy of this order. The Investigation Officer is directed to produce all the witnesses on the next hearing date.

11.03.2016

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Note:Issue order copy on 14.03.2016

R.MALA.J.,

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