

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.4632 of 2016

ORDER:

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Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. The petitioner, who is an accused, filed the present Criminal Petition under Section 439 of the Code of the Criminal Procedure, 1973 seeking enlargement on bail in Sessions Case No.11 of 2015 on the file of the I Additional District and Sessions Judge, East Godavari District at Rajahmundry (Crime No.57 of 2014 of Tuni Town Police Station, East Godavari District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.)

3. A perusal of the material on record would show that the petitioner, who was granted bail earlier, failed to attend the Court on the date when the case was posted for commencement of trial i.e., on 15.12.2015 onwards. It is recorded that on 15.12.2015 the accused was not present before the Court. Defence counsel filed a memo stating that in spite of making phone calls and addressing registered letter to the accused, the accused did not turn up. He further represented that he was unable to proceed with the trial as he has no instructions. After recording the said proceedings, the trial Court issued Non-Bailable Warrant (NBW) against the accused and also issued notice to the sureties. The matter was adjourned to 04.01.2016, on which date NBW and notice on sureties were pending. Ultimately, the accused was arrested on 22.01.2016 and produced before the Court.

4. As seen from the record, the case was posted for trial and the same could not take place on 15.12.2015, 16.12.2015 and on 17.12.2015 due to absence of the accused. It is also to be noted that the petitioner is a resident of Tamilnadu State.

5. Learned Public Prosecutor submits that with a great difficulty, the police executed NBW pending against the petitioner and if he is released on bail, there is every likelihood of evading the process of trial.

6. Having regard to the facts and circumstances stated above and since the petitioner jumped the bail, I am not inclined to grant bail to the petitioner. However, the trial Court is directed to complete the trial as expeditiously as possible preferably within a period of three (03) months from the date of receipt of a copy of this order, failing which the petitioner is at liberty to renew his request before the trial Court.

7. Accordingly, the Criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:07.04.2016

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