



Crl.OP.No.11706 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioner, who was arrested and remanded to judicial custody on 07.04.2022 for the offences punishable under Sections 120(B), 147, 148, 449, 450, 454, 456, 302, 396, 396 r/w 397, 120(b) r/w 149 and 109 of IPC and under Section 25(1)(a) of Arms Act in PRC.No.14 of 2015 pending committal on the file of Judicial Magistrate-IV, Salem in respect of crime No.575 of 2002 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the case was pending for committal in PRC.No.14 of 2015 on the file of the learned Judicial Magistrate-IV, Salem in respect of crime No.575 of 2002 on the file of the respondent police, the petitioner was absent on 23.02.2022 before the court below. As such, on NBW he was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner would submit that the case was posted on 23.02.2022 for appearance of the petitioner. Due to pandemic situation, the petitioner was not able to appear before the Court. Hence, Non Bailable Warrant was issued and subsequently, he was arrested and remanded to



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judicial custody on 07.04.2022. He would further submit that non appearance of the petitioner before the court below is neither wilful nor wanton. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally 18 accused, in which the petitioner is arrayed as A3. After filing final report, the petitioner was absent and on NBW he was arrested only on 26.04.2022. He would further submit that this case relates to murder for gain. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that after filing report, the petitioner was absent and as such, non bailable warrant was issued as against the petitioner as early as on 28.05.2014. However, he was secured only on 26.04.2022 and remanded to judicial custody. Only because of his absence, the entire proceedings has been stalled and not even committal proceedings is over. That apart, so far the petitioner has involved in 24 cases. If he is let out on bail, again he will abscond and entire trial will be stalled. Therefore, this Court is not inclined to grant bail to the petitioner.



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6. Accordingly, this criminal original petition is dismissed.

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