



Crl.OP.No.17802 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 read with Section 397, 120(b) read with Section 149 and 109 of IPC and under Sections 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 the petitioner was arrayed as accused in a case of double murder. It is alleged 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 2022 on the file of the respondent police, the petitioner was absent on 23.02.2002 before the Court below. As such, on execution of non bailable warrant, the petitioner was arrested and remanded to Judicial Custody.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Counsel for the petitioner submitted that without issuing summons to the petitioner, the trial Court straight away issued Non-Bailable Warrant. He further submitted that, while executing Non-Bailable Warrant, the petitioner was arrested and remanded to Judicial Custody.

5. On perusal of the order passed by the trial Court, this Court finds that Non-Bailable Warrant was issued against the petitioner on 07.04.2022. The learned Counsel for the petitioner claims that, during the Covid-19 pandemic, the petitioner was issued Non-Bailable Warrant and hence he was not able to appear. Therefore, this Court finds that the contention of the learned counsel for the petitioner is not correct and as far as the present case is concerned, it is case of murder for gain and further eight more accused is yet to be secured. That apart, the petitioner belongs to Punjab and hence he was granted only default bail.



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6. Considering the above facts and circumstances of the case, this is the second bail petition and there is no change in circumstances, hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this criminal original petition is dismissed.

10.08.2022

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