



CrI.OP.No.17412 of 2022

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G.K.ILANTHIRAIYAN,J.

The petitioner was arrested on 11.10.2021 and remanded to judicial custody on 25.10.2021, on execution of Non-Bailable Warrant issued by the learned Judicial Magistrate, Sankarapuram for the offence under Sections **120(b), 364, 399 IPC read with 25(i)(a) Indian Arms Act, 1959 and Section 34 IPC** pending trial in P.R.C.No.03 of 2016 in respect of crime No.81 of 2014 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution is that the petitioner has been arrayed as an accused in Crime No.81 of 2014 under Sections **120(b), 364, 399 IPC read with 25(i)(a) Indian Arms Act, 1959 and Section 34 IPC** and after filing charge sheet, the same was pending before the learned Judicial Magistrate, Sankarapuram. Thereafter, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 23.02.2016. Thereafter, The petitioner was arrested on 11.10.2021 and remanded to judicial custody on 25.10.2021.



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3.The learned counsel appearing for the petitioner would submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the lower Court has issued Non-Bailable Warrant against the petitioner on 23.02.2016. Thereafter, The petitioner was arrested on 11.10.2021 and remanded to judicial custody on 25.10.2021. He would further submit that the case is pending for trial from the year 2016. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and released on bail in crime No.81 of 2014. After completion of investigation, the respondent filed final report and the same has been taken cognizance in P.R.C.No.03 of 2016 pending on the file of the learned Judicial Magistrate, Sankarapuram. However, the petitioner was absent before the trial court. As such, Non



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Bailable Warrant was issued against him and the same was executed and he was remanded to judicial custody on 25.10.2021.

6.Considering the above facts and circumstances of the case and also considering that while pending NBW, the petitioner had committed other offence under Section 302 of IPC, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

26.07.2022

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26.07.2022