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CrI.O.P.No.25039 of 2022

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A.D.JAGADISH CHANDIRA, J.

This Criminal Original Petition has been filed seeking to enlarge the petitioners on bail in the S.C.No.97 of 2016 on the file of the learned Additional District and Sessions Judge, Chengalpattu in Crime No.3233 of 2015 registered for the offence punishable under Sections 147, 148, 341, 302 r/w 149 IPC on the file of the respondent Police.

2. The learned counsel for the petitioners would submit that the petitioners are facing trial in S.C.No.97 of 2016 pending on the file of the learned Additional District and Sessions Judge, Chengalpattu. He would further submit that since, the petitioners did not appear before the Court on account of Covid, a Non Bailable Warrant was issued against them on 23.10.2018 and pursuant to which, the first and the third petitioner/A2&A4 were arrested on 21.01.2022 and the second petitioner/A3 was arrested on 25.01.2022.



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3. The learned counsel for the petitioner would further submit that the petitioners have earlier approached this Court seeking for bail and this Court by an order dated 18.05.2022 had dismissed the bail application in Crl.O.P.Nos.11480 & 11483 of 2022, by directing the learned trial Judge to complete the proceedings in S.C.No.97 of 2016 and S.C.No.115 of 2018 within a period of three months from the date of receipt of a copy of that order and this court specifically directed to conduct the trial on a day to day basis without granting any unnecessary adjournment. He would further submit that despite the lapse of three months from the order being passed on 18.05.2022, the trial has not yet completed as directed by this Court. He would also submit that the petitioners are in custody from 21.01.2022 and 25.01.2022 respectively, therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is the case of the year 2015 and since, the first accused had absconded for a long time, the case



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has been split up. He would further submit that the Non Bailable Warrant is pending from the year 2018 and on execution of the same the accused were arrested only during the month of January 2022. He would also submit that though this Court had directed the trial Court to complete the trial within a period of three months, the petitioners did not cross examine the witnesses on the day, which caused delay in trial and thereafter, the petitioners have filed a petition under 311 Cr.P.C to recall the witnesses. He would also submit that as on today out of 17 witnesses, 8 witnesses have been examined and 9 witnesses are yet to be examined and they will be examined in a day to day basis. He would also state that the case now stands posted on 28.10.2022 and he vehemently oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) and perused the materials available on record.



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6. It is seen that the petitioners have absconded during 2018 and after a long time they have been secured. Despite the order passed by this Court having directed the trial Judge to complete the trial, the trial Judge has not completed the trial, however, it is submitted that the petition filed by the petitioners under 311 Cr.P.C to recall the witnesses is pending and the case is now stands posted on 28.10.2022, and the delay is not on account of the prosecution.

7. In view of the above, this Court is not inclined to grant bail to the petitioners, however, direction is issued to the learned trial Judge to complete the trial in a day to day basis and it is made clear that the prosecution shall produce the witnesses without fail.

8. Accordingly, this Criminal Original Petition stands dismissed.

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