



Crl.O.P.No.26408 of 2022

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A.D.JAGADISH CHANDIRA, J.

This Criminal Original Petition has been filed seeking to enlarge the petitioner on bail in the S.C.No.32 of 2019 on the file of the learned III Additional District and Sessions Judge, Gopichettipalayam, Erode District in Crime No.2 of 2013 registered for the offence punishable under Sections 147, 148, 361, 387, 395 r/w 397 of IPC on the file of the respondent Police.

2. The learned counsel for the petitioner would submit that the petitioner who is arrayed as A5 is for facing trial in S.C.No.32 of 2019 pending on the file of the learned III Additional District and Sessions Judge, Gopichettipalayam, Erode District. He would further submit that the petitioner has been all along regularly appearing before the Court, due to his illness, he was unable to appear before the Court on 02.06.2022 and thereby, the learned trial Judge has issued a Nonailable Warrant and pursuant to which, the petitioner was arrested on 22.09.2022. He would also reiterate that the petitioner has been all along



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regularly appearing before the court and he is prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties. He would also submit that the petitioner will cooperate for the speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

3. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a habitual offender against whom there are six previous pending against him. He would further submit that the petitioner had earlier once absconded and a Non Bailable Warrant was issued and subsequently, he has absconded on 02.06.2022 and pursuant to which, a Non Bailable Warrant of arrest was issued and thereby, the petitioner was arrested on 22.09.2022. He would submit that there are 23 witnesses in this case and the case now stands at the fag end of the trial and out of 23 witnesses, 22 witnesses have been examined and the case now stands posted to 03.11.2022 for examination of Investigating Officer. He would submit that earlier there is a direction of this Court in Crl.R.C.No.46 of 2021



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dated 02.02.2021 to conduct the trial in a day to day basis and if the petitioner is granted bail, there is every possibility of him from absconding again and thereby, derailing the trial. Hence, he opposed for grant of bail to the petitioner.

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

5.Taking into consideration the facts and submissions of the learned counsel and also of the fact that the petitioner is not only a habitual offender and he is also a habitual absconder and it is also stated that the case now stands posted to 03.11.2022 for examination of the last witness, the Investigating Officer.

6. In view of the above, this Court is not inclined to grant bail to the petitioner, however, direction is issued to the learned trial Judge to complete the trial and deliver the judgment within a period of one month from the date of receipt of a copy of this order.



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7. Accordingly, this Criminal Original Petition stands dismissed.

01.11.2022

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