



Crl.O.P.No.27807 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 22.10.2021, in S.C.No.417 of 2021 on the file of the III Additional Sessions Court, Kallakurichi, seeks bail.

2. The learned counsel for the petitioner submitted that the petitioner (A3) is facing trial in S.C.No.417 of 2021 pending on the file of the learned III Additional Sessions Judge, Kallakurichi, in connection with the crime No.293 of 2012 for the offences punishable under Sections 304 A of IPC @ 147, 341, 302, 364, 201, 120(b) r/w 109, 34 of IPC. He further submitted that the petitioner was regularly appearing before the trial Court and since, he did not appear before the trial Court on 09.10.2018, a Non Bailable Warrant was issued against him and pursuant which, he was produced under PT warrant on 22.10.2021, while he was in Cuddalore prison in respect of the case in P.R.C.No.12 of 2020, pending



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committal on the file of the learned Judicial Magistrate, Sankarapuram.

He also submitted that the petitioner is in custody from 22.10.2021 and he is ready to abide by any stringent conditions that may be imposed on him and hence, he prays for grant of bail to the petitioner.

3. The respondent has filed a detailed counter. As per the counter the previous case details of the accused is as follows:-

S.No	Police Station	Crime No.	Sections	Pending trial in
1	Sankarapuram	282/2013	302 IPC	S.C.No.452/2021, Additional District Judge, Kallakurichi.
2	Sankarapuram	46/2010	294(b), 324, 307 IPC	S.C.No.381/2010, Additional Sessions Judge, Kallakurichi.
3	Pagandai Cross Road	171/2010	302 IPC	S.C.No.67/2014, District Judge, Villupuram.
4	Pagandai Cross Road	62/2014	302 IPC	P.R.C.No.12/2020, Judicial Magistrate.
5	Vadaponparapi	81/2014	399, 364, 120(b) IPC r/w 20(1)(b) Indian Arms Act	P.R.C.No.3/2016, Judicial Magistrate, Sankarapuram.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is arrayed as A3 in this case, is a notorious element against whom there are three previous pending for the offence under Section 302 IPC and one case for the offence under Section 307 IPC and the earlier cases are pending from the year 2010. He also submitted that in this case, the petitioner after grant of bail, did not appear before the Court, thereby, the case has been split up as against the petitioner and a Non-Bailable Warrant was issued against him on 19.10.2018, pursuant to which, he was produced before the Court under PT warrant. He also stated that now the case is taken up on the file in S.C.No.417 of 2021 before the learned III Additional Sessions Judge, Kallakurichi. He further submitted that A1 in this case has died and the accused A4 & A5 have been acquitted and he also submitted that the petitioner is the rowdy element and if bail is granted to the petitioner, there is every possibility for him to abscond again and derail the progress of the trial. Therefore, he oppose for grant of bail to the petitioner and seek for



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dismissal of the petition.

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

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned Government Advocate (Crl.Side) and taking note of the period of abscondence and the previous cases pending as against the petitioner and also considering the fact that all the cases are pending trial for several years, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

24.11.2022

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