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Crl.O.P.No. 31217 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 25.03.2019 for the alleged offence under Sections 147, 148, 341, 302 r/w 120 (b) of I.P.C. in Crime No.129 of 2013 on the file of the respondent police pending trial in S.C. No.32 of 2015 on the file of learned Addl. District and Sessions Judge, Namakkal, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 25.03.2019 pursuant to the non-bailable warrant issued against him.

3. The learned counsel appearing for petitioner would submit that the petitioner was earlier granted bail and thereafter, he was regularly appearing before the trial Court. On 09.04.2019, he was unable to appear before the Court and subsequently, on 27.04.2019 the P.T. Warrant was changed in the remand warrant, since he was under judicial custody.



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Thereafter, the petitioner was detained as Goonda under Act 14 of 1982 and in the month of September 2019, the detention order was quashed. Further, for the past three months, no proceedings was conducted in the trial court. He would submit that only 22 witnesses were examined and the case is simply adjourned. All the co-accused were released on bail and the petitioner alone is in jail for the past four years and this is the second petition seeking for bail. He would submit that he is only bread winner of his family and due to his absence, the petitioner's family is put to great hardship. He would submit that he is ready to appear before the Court regularly and to co-operate for the trial. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner was arrested on 25.03.2019 on execution of PT warrant. He would further submit that there are 18 previous cases including 3 murder cases and three Sec.307 I.P.C. cases pending against the petitioner. He would submit that already all the witnesses were examined and the case is posted for arguments. He would



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submit that they will complete the trial within three months and only after securing the petitioner, the trial was began. Hence, if he is released on bail, there is possibility of hampering the investigation. Therefore, he vehemently opposed to grant bail to the petitioner.

5. On seeing the facts, it is seen that already all the witnesses were examined and now the case is posted for arguments, however, learned counsel for petitioner submitted that no progress is made by the trial court and the petitioner is in custody for the past 4 years. Therefore, on considering the above facts and circumstances and now there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the trial court is directed to complete the trial and dispose the case within a period of two months from the date of receipt of copy of this order.

20.12.2022

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