



Crl.O.P.No.7560 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was remanded to judicial custody on 20.12.2021, pursuant to the non-bailable warrant issued against him on 23.11.2015, in S.C.No.84 of 2013, pending on the file of the Sessions Judge, Mahila Court, Chengalpattu, in connection with Crime No.52 of 2012 registered for the alleged offence punishable under Sections 363 & 376 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.84 of 2013, pending on the file of the Sessions Judge, Mahila Court, Chengalpattu. He further submitted that the petitioner has all along been appearing before the trial Court on all hearing dates, whereas, due to his illness, he was unable to appear before the trial Court on 23.11.2015, therefore, the trial Court had issued a Non-Bailable Warrant of arrest against him and later, the petitioner has voluntarily surrendered and remanded to judicial custody



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on 20.12.2021. He further submitted that this is the second application for bail before this Court and this Court, had disposed the earlier bail application in Crl.O.P.No.6248 of 2022 with a direction to complete the trial within a period of two months from the date of receipt of a copy of that order dated 18.03.2022 and further, this Court, by an order dated 08.06.2022, had extended the time for a period of three months to complete the trial, however, the trial has not been completed. Therefore, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is the case of the year 2012 and the case was taken up on the file of the learned Sessions Judge, Mahila Court, Chengalpattu, in in S.C.No.84 of 2013 and since, the petitioner, who is the sole accused in this case, has failed to appear before the trial Court on 23.11.2015, a Non-Bailable Warrant of arrest was issued against him and pursuant to which, he had surrendered after a period of six years on 20.12.2021. He also submitted that there are 10 witnesses in this case and out of which, nine witnesses have been examined so far and the case now



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stands posted for examination of PW10 on 03.05.2023, therefore, if bail is granted to the petitioner at this stage, there is every possibility of him to abscond once again and would derail the progress of 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) for the respondent and perused the materials available on record.

5. It appears that the criminal proceedings against the petitioner is pending from the year 2012 and despite pendency of NBW issued against him on 23.11.2015, he had been absconding for a period of six years and ultimately, he had surrendered only on 20.12.2021. It further appears from the submission of the learned Government Advocate that the trial is at the verge of completion and if the petitioner is enlarged on bail at this stage, there is a possibility of abscondance, which would further delay the completion of trial. In view of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.



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6. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably, within a period of two months from the date of receipt of the copy of this order.

28.04.2023

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