



CrI.O.P.No. 3698 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 10.01.2023 for the alleged offence under Sections 147, 148, 364, 324, 302 and 201 of I.P.C. in Crime No.21 of 2004 on the file of the respondent police, pending trial in S.C.No. 177 of 2015 on the file of learned III Addl. District and Sessions Judge, Salem seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 10.01.2023 on execution of non bailable warrant issued against him.

3. The learned counsel for the petitioner would submit that originally, the F.I.R. was registered for the offence under Sec.147, 148, 364, 324, 302 and 201 of I.P.C. and subsequently, the charge sheet was filed under Sec.147, 148, 364, 324, 302 and 201 of I.P.C. He would submit that the petitioner was earlier granted bail and thereafter, he was regularly



CrI.O.P.No. 3698 of 2023

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appearing before the trial Court. However, he went to Karnataka for his work and as he was suffering from heard ailment, he was not able to appear before the Court and subsequently, the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 10.01.2023. He would submit that the petitioner has been suffering incarceration from 10.01.2023. He would further submit that the petitioner 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 (CrI. Side) raised objection stating that no previous case pending against him. He would submit that when he did not appear before the trial Court, non bailable warrant was issued against him and he was arrested on 10.01.2023. He would also submit that he is the prime accused in a murder case and he absconded for more than 4 years from the year of 2019 and after securing him only, the trial is in progress. Hence, if he is released on bail, he may abscond and the trial would be stalled.



CrI.O.P.No. 3698 of 2023

WEB COPY

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner and he is the prime accused in a murder case and he absconded for more than 4 years from the year of 2019 and after securing him only, there is a progress in trial and now, if he is released on bail, he may abscond and there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

16.02.2023

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