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Crl.O.P.No.5669 of 2023

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A.D.JAGADISH CHANDIRA,J.

Criminal Original Petition has been filed seeking to enlarge the petitioner, on bail in S.C.No.286 of 2013, pending on the file of the learned XIXth Additional Sessions Judge, Chennai, in connection with Crime No.140 of 2010, on the file of the respondent Police.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.286 of 2013, for the alleged offence under Sections 452, 120(B), 341, 302 r/w 34 of IPC, pending on the file of the learned XIXth Additional Sessions Judge, Chennai. He further submitted that the petitioner has all along been regularly appearing before the Court on all hearing dates, while so, due to severe jaundice, he was unable to appear before the trial Court on 27.04.2022, thereby, a Nonailable Warrant was issued by the trial Court, against him and pursuant to which, he was arrested from his residence on 21.09.2022. He also submitted that the petitioner is prepared to abide by any stringent condition that may be imposed by this



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Court and also he is ready to co-operate for speedy disposal of the trial.

Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent submitted that since the petitioner, who is an accused facing trial in S.C.No.286 of 2013, pending on the file of the learned XIXth Additional Sessions Judge, Chennai, has failed to appear before the trial Court on 27.04.2022, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 21.09.2022. He further submitted that the petitioner is a habitual offender, against whom 4 previous cases including one case under Section 302 of IPC and one under Section 307 IPC are pending. Learned Additional Public Prosecutor further submitted that the petitioner had been repeatedly absconding in this case, which is of the year 2013 and due to frequent abscondence of the petitioner, the case has been dragged for about 10 years. He also submitted that the case now stands posted for examination of I.O on 13.03.2023 and the trial would be completed at the earliest, therefore, if bail is granted to the petitioner, there is every possibility of him, to abscond again and would derail the progress of trial. Therefore, he opposed



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to grant bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

5. It is seen from the trial Court order, that the petitioner, who has been absconding again and again, has causing hindrance to the progress of the trial. Further, the case is now at the fag end of trial, therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition stands dismissed.

10.03.2023

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