



Crl.O.P.No.5871 of 2023

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who was arrested and remanded to judicial custody on 20.12.2022, pursuant to the non-bailable warrant issued on 19.06.2016, in S.C.No.104 of 2013 in connection with Crime No.80 of 2013, on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A3) facing trial in S.C.No.104 of 2013, for the alleged offence under Sections 452, 341, 326, 307 r/w 34 of IPC, pending on the file of the Sub Court, Dharapuram. He further submitted that since the petitioner was not issued with any summons, he was unable to appear before the Court on 19.06.2016, thereby, the trial court has issued a Non Bailable Warrant of arrest against the petitioner, pursuant to which, he was arrested on 20.12.2022 and he is in judicial custody till date, thereby, he seeks for grant of bail to the petitioner.



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3.Learned Additional Public Prosecutor appearing for the respondent submitted that it is a sessions case of the year 2013 and after the examination of P.W.1 to P.W.9, the accused had absconded on 19.12.2016 and thereby, the trial Court has issued a Non Bailable Warrant of arrest against the petitioner, pursuant to the same, the petitioner was arrested on 20.12.2022 after a period of six years. He would further submit that as on date, the case was stands posted for questioning the accused under Section 313 of Cr.P.C and if the petitioner is granted bail at this stage, there is every possibility of him, to abscond again which would derail the progress of trial. Thereby, he would seek for dismissal of the petition.

4.At this juncture, the learned counsel for the petitioner submitted that a direction may be issued to the trial Court to complete the trial within a specified time and seeks for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the fact that the case stands posted for questioning the accused under Section 313 of Cr.P.C, this Court is not inclined to grant bail to the petitioner.



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6. Accordingly, this Criminal Original Petition is dismissed.

However, the learned Sub Judge, Dharapuram, is directed to complete the trial in S.C.No.104 of 2013 as expeditiously as possible, preferably within a period of two months from today i.e., on 14.03.2023.

14.03.2023

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Note: Issue order copy on 15.03.2023

To

1. The Sub Judge,
Dharapuram.



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