



Crl.O.P.No.5975 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who was arrested and remanded to judicial custody on 30.01.2023, pursuant to the non-bailable warrant of arrest issued on 08.01.2021, in P.R.C.No.53 of 2016, in connection with Crime No.595 of 2015, pending on the file of the learned Vth Metropolitan Magistrate, Egmore, Chennai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in P.R.C.No.53 of 2016, for the alleged offence under Section 307 of IPC, pending on the file of the learned Vth Metropolitan Magistrate, Egmore, Chennai. He further submitted that the petitioner was unable to appear before the trial Court on 08.01.2021 and his counsel also failed to file an application under Section 317 Cr.P.C, therefore, the trial Court has issued a non-bailable warrant of arrest against the petitioner and pursuant to which, he was arrested on 30.01.2023. He also submitted that the petitioner has a permanent residence and he is prepared to abide by any stringent condition that may be imposed by this Court and also he is ready to co-operate for speedy disposal of the trial. Therefore, he prays for grant of



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bail to the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent submitted that since the petitioner, who is an accused (A1) facing trial in P.R.C.No.53 of 2016, pending on the file of the learned Vth Metropolitan Magistrate, Egmore, Chennai, has failed to appear before the trial Court on 08.01.2021, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 30.01.2023. He further submitted that it is the case of the year 2015 and there are three accused in this case. He also submitted that since the petitioner has been absconded for a period of two years, the learned Magistrate is unable to commit the case to the Court of Sessions, 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 vehemently opposed for grant of 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.



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5. It is seen from the submissions made by the learned Additional Public Prosecutor that it is the case of the year 2015 and due to the abscondence of the petitioner, the learned Magistrate is unable to commit the case to the Court of Sessions. Therefore, taking into consideration the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner for the present.

6. Accordingly, the Criminal Original Petition stands dismissed for the present.

15.03.2023

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