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CrI.O.P.No.7056 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 07.03.2023, pursuant to the non-bailable warrant of arrest issued against him on 02.09.2022, in S.C.No.248 of 2022, in connection with Crime No.615 of 2021, pending on the file of the XXI Additional Sessions Judge, Chennai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A12) facing trial in S.C.No.248 of 2022, for the alleged offence under Sections 147, 148, 341, 302 r/w 149 of IPC, pending on the file of the XXI 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 some unavoidable circumstances, he was unable to appear before the trial Court on 02.09.2022, thereby, the trial Court has issued a Non Bailable



Crl.O.P.No.7056 of 2023

WEB COPY

Warrant of arrest against him and pursuant to which, he was arrested from his residence on 07.03.2023. He further submitted that the petitioner is prepared to furnish sufficient sureties and ready to abide by any stringent conditions that may be imposed by this Court and he is also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the trial and also submitted that the petitioner would ensure that he will appear before the trial Court on all hearing dates without fail. Therefore, he prays for grant of bail to the petitioner.

3. Learned learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused (A12) facing trial in S.C.No.248 of 2022, pending on the file of the XXI Additional Sessions Judge, Chennai, has failed to appear before the trial Court on 02.09.2022, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 07.03.2023. He further submitted that there are 16 accused in this case and on account of the absence of the petitioner and other accused, one after another, there is no progress in trial and the trial Court is unable to frame charges in this case



Crl.O.P.No.7056 of 2023

WEB COPY

and as far as this petitioner is concerned, he got absent from 8 hearings in this case and also, 9 previous cases are pending against him, therefore, if bail is granted to the petitioner, there is every possibility of him, to abscond again and would further derail the progress of trial. He further submitted that the respondent are taking steps to secure the other accused, against whom, the Non-Bailable Warrants are pending. Therefore, 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. Taking into consideration the facts and circumstances of the case and taking note of the fact that the petitioner, who is a habitual offender, having 9 previous cases, is derailing the trial by not appearing before the trial Court on hearing dates and also considering that the other accused are yet to be secured, this Court is not inclined to grant bail to the petitioner for the present.



WEB COPY



Crl.O.P.No.7056 of 2023

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6. Accordingly, this Criminal Original Petition stands dismissed.

29.03.2023

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Crl.O.P.No.7056 of 2023