



CrI.O.P.No.9608 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was remanded to judicial custody on 16.08.2019, pursuant to the non-bailable warrant issued against him on 25.01.2019, in S.C.No.46 of 2015, pending on the file of the Additional District and Sessions Judge, Mettur, in connection with Crime No.289 of 2007 registered for the alleged offence punishable under Sections 120(B), 324, 307 & 302 r/w 109 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A2) facing trial in S.C.No.46 of 2015, pending on the file of the Additional District and Sessions Judge, Mettur. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates, whereas, he was unable to appear before the trial Court on 25.01.2019, therefore, the trial Court had issued a Non-Bailable Warrant of arrest against him and later, on coming to know about the non-bailable warrant, the petitioner has



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voluntarily surrendered on 16.08.2019 and he is in custody for the past three years. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the trial. Therefore, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused (A2) in S.C.No.46 of 2015, pending on the file of the Additional District and Sessions Judge, Mettur, has failed to appear before the trial Court on 25.01.2019, a Non-Bailable Warrant of arrest was issued against him and pursuant to which, he had surrendered and was remanded to judicial custody on 16.08.2019. He also submitted that it is the case of the year 2007 and there are totally five accused and 39 witnesses in this case and due to the absence of the petitioner, there is no progress in the trial. He further submitted that as far as this petitioner is concerned, he has got 12



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previous cases including three cases registered for the offence under Section 302 of IPC, therefore, if bail is granted to the petitioner, there is every possibility of him to abscond once again and would derail the progress of trial. Hence, 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, the submissions made by the learned counsel on either side and taking note of the fact that this case is pending from the year 2015 and also considering the previous antecedents of the petitioner that he has got 12 previous cases including three cases registered for the offence under Section 302 IPC, in which, he has also been convicted in three cases, this Court is not inclined to grant bail to the petitioner.



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6. Accordingly, this Criminal Original Petition stands dismissed. However, considering that the crime is of the year 2007, the trial Judge is directed to give priority to this case and complete the trial as expeditiously as possible, preferably, within a period of five months from the date of receipt of a copy of this order.

28.04.2023

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