



Crl.O.P.No.8052 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 against him on 19.06.2016, for the alleged offence under Sections 452, 341, 326, 307 r/w 34 of IPC, in S.C.No.104 of 2013, pending on the file of the Sub Court, Dharapuram, in connection with Crime No.80 of 2013, seeks bail.

2. Learned counsel for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court and this Court, had dismissed the earlier bail application in Crl.O.P.No.5871 of 2023 vide order dated 14.03.2023. He further submitted that the petitioner is in custody from 20.12.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the petitioner is also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the



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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 prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that after the examination of P.W.1 to P.W.9, the petitioner/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 further submitted that this Court, while dismissing the earlier bail application in Crl.O.P.No.5871 of 2023 dated 14.03.2023, had directed the trial Court to complete the trial as expeditiously as possible, preferably within a period of two months from 14.03.2023. He also submitted that since the co-accused in this case are still absconding, the trial Court had split up the case against him and the case has been taken up in S.C.No.104 of 2013 and now, the case has been posted on 06.06.2023 for questioning the accused under Section 313 of Cr.P.C and therefore, if the petitioner is granted bail at this stage, there is every



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possibility of him, to abscond again and may not be available for trial.

Thereby, he would seek for dismissal of the petition.

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. In view of the above, this Court finds that, while dismissing the earlier bail application, a direction has been issued to the trial Court to complete the trial as expeditiously as possible, preferably within a period of two months from 14.03.2023, however, since the co-accused in this case has absconded, the trial Court has split up the case against the petitioner and now, the case stands posted on 06.06.2023. Therefore, this Court, taking into consideration, the earlier order passed by this Court in Crl.O.P.No.5871 of 2023 dated 14.03.2023, is not inclined to grant bail to the petitioner.



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6 Accordingly, this Criminal Original Petition stands dismissed.

19.04.2023

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