



Crl.O.P.No.8515 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 22.03.2023, pursuant to the non-bailable warrant issued against him on 18.03.2019, in P.R.C.No.1 of 2019, pending on the file of the Judicial Magistrate No.I, Thiruvallur, in connection with Crime No.314 of 2007 registered for the alleged offence punishable under Sections 392, 394 r/w 34 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A3) facing trial in P.R.C.No.1 of 2019, pending on the file of the Judicial Magistrate No.I, Thiruvallur. He further submitted that during the covid pandemic situation, the petitioner was forced to live in Madurai, due to which, there was some miscommunication with his Advocate, thereby, he was unable to appear before the trial Court on 18.03.2019, therefore, the trial Court had issued a Non-Bailable Warrant of arrest against him, whereas, the petitioner was



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not aware of the non-bailable warrant of arrest pending against him and pursuant to which, he was arrested on 22.03.2023. 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 (A3) in P.R.C.No.1 of 2019, pending committal on the file of the Judicial Magistrate No.I, Thiruvallur, has failed to appear before the trial Court on 18.03.2019, a Non-Bailable Warrant of arrest was issued against him and pursuant to which, he was arrested on 22.03.2023. He also submitted that it is the case of the year 2007 and trial Court has split up the case against the petitioner, which is pending committal on the file of the learned Judicial Magistrate No.I, Thiruvallur in P.R.C.No.1 of 2019. He further submitted that due to the absence of the petitioner, the learned



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Magistrate is unable to commit the case to the Court of Sessions and the case now stands posted for committal on 09.05.2023, 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 (CrI.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 of the year 2007 and the case is still pending committal on the file of the learned Judicial Magistrate No.I, Thiruvallur in P.R.C.No.1 of 2019 and that the petitioner had been absconding for more than four years, this Court is not inclined to grant bail to the petitioner.



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6. Accordingly, this Criminal Original Petition stands dismissed. However, the petitioner is at liberty to renew his application for bail after committal of the case.

27.04.2023

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