



CrI.O.P.No.9031 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was remanded to judicial custody through PT warrant on 28.02.2023, pursuant to the non-bailable warrant issued against him on 25.02.2021, in P.R.C.No.15 of 2019, pending on the file of the Judicial Magistrate No.I, Tindivanam, in connection with Crime No.387 of 2017 registered for the alleged offence punishable under Section 395 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A5) facing trial in P.R.C.No.15 of 2019, pending on the file of the Judicial Magistrate No.I, Tindivanam. He further submitted that the petitioner has all along been appearing before the trial Court on all hearing dates, while so, due to his illness, he was unable to appear before the trial Court on 25.02.2021, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and subsequently, the petitioner was arrested in another case registered in Crime No.18 of 2023, thereby, the petitioner was remanded to judicial



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custody through PT warrant on 28.02.2023. He also submitted that the petitioner has also been granted statutory bail under Section 167(2) of Cr.P.C in Crime No.18 of 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 (A5) facing trial in P.R.C.No.15 of 2019, pending on the file of the Judicial Magistrate No.I, Tindivanam, has failed to appear before the trial Court on 25.02.2021, a Non-Bailable Warrant of arrest was issued against him and pursuant to which, he was remanded to judicial custody through PT warrant on 28.02.2023. He also submitted that it is the case of the year 2017, pending committal on the file of the learned Judicial Magistrate No.I, Tindivanam in P.R.C.No.15 of 2019 and there are five accused in this case and since, due to the absence of the accused one after another,



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the learned Magistrate is unable to commit the case to the Court of Sessions and even now, two other accused are still absconding and non-bailable warrants of arrest are pending against them. He further submitted that as far as this petitioner is concerned, 5 previous cases including four cases of similar nature are pending against him. Therefore, if bail is granted to the petitioner, there is every possibility of him to abscond once again and would stall 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 of the year 2017 and the case is still pending committal on the file of the learned Judicial Magistrate No.I, Tindivanam in P.R.C.No.15 of 2019, this Court is not inclined to grant bail to the petitioner for the present.



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

26.04.2023

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