



Crl.O.P.No.14892 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 19.12.2022, pursuant to the non-bailable warrant issued on 19.06.2016, in S.C.No.104 of 2013 in connection with Crime No.80 of 2013, on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A3) facing trial in S.C.No.104 of 2013, for the alleged offence under Sections 452, 341, 326, 307 r/w 34 of IPC, pending on the file of the Sub Court, Dharapuram. He further submitted that since the petitioner was not issued with any summons, he was unable to appear before the Court on 19.06.2016, thereby, the trial court has issued a Non Bailable Warrant of arrest against the petitioner, pursuant to which, he was arrested on 19.12.2022 and he is in judicial custody till date, thereby, he seeks for grant of bail to the petitioner.



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3. Learned counsel for the petitioner further submitted that this is the third application for bail filed by the petitioner and this Court had dismissed the earlier application in Crl.O.P.No.5871 of 2023 on 14.03.2023 and the subsequent bail application in Crl.O.P.No.8053 of 2023 on 19.04.2023. This Court while dismissing the bail application in Crl.O.P.No.5871 of 2023 on 14.03.2023 had directed the trial Court to complete the trial in S.C.No.104 of 2013 as expeditiously as possible within a period of two months from 14.03.2023. The trial Court has not completed the trial and thereby, he seeks for bail to the petitioner.

4. Learned Government Advocate appearing for the respondent submitted that it is a case of jumped bail. The petitioner/accused No.3 who is facing trial in S.C.No.104 of 2013 had absconded from 19.06.2016, after the examination of P.W1 to P.W.9. He further submitted that this Court while dismissing the bail application in Crl.O.P.No.5871 of 2023 on 14.03.2023 had directed the trial Court to complete the trial within a period of two months and the respondent had taken earnest steps to complete the trial and as on date, all the witnesses



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including the investigating officer have been examined and the case now stands posted for questioning under Section 313 Cr.P.C., on 20.07.2023. He also submitted that there is a possibility of the trial Court being able to deliver the judgment at the earliest and that if the bail is granted at this stage, there is every possibility of the petitioner absconding again.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent and perused the materials available on record.

6.This is a case where the petitioner has absconded during trial from 19.06.2016 and he was arrested after six years on 19.12.2022 and now the trial is at the fag end and the case stands posted on 20.07.2023 for questioning under Section 313 Cr.P.C and there is a probability of completion of the case at the earliest and thereby, this Court is not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition is dismissed.

However, the learned trial Judge is directed to strictly comply with the order passed by this Court in Crl.O.P.No.5871 of 2023 dated 14.03.2023.

17.07.2023

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