



CrI.OP.No.18016 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 29.12.2022 on execution of NBW for the alleged offences under Sections 147, 148, 120(b), 341, 506(ii), 307 & 302 r/w 149 of IPC in SC.No.99 of 2020 on the file of the III Additional District Court, Poonamallee in respect of crime No.466 of 2019 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that after committal in the above case, the same was taken cognizance in SC.No.99 of 2020 on the file of the III Additional Court, Poonamallee. While so, the petitioner did not appear before the lower Court. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 16.03.2021. Thereafter, the petitioner was arrested and remanded to judicial custody on 29.12.2022.

3.The learned counsel appearing for the petitioner would



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submit that since the date of the case was not properly informed to the petitioner by his erstwhile counsel, the petitioner could not appear before the trial court. Therefore, the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit due to non-appearance of the petitioner before the lower Court, the trial judge has issued Non-Bailable Warrant on 16.03.2021 against the petitioner and the petitioner was arrested and remanded to judicial custody on 29.12.2022, and if the bail is granted to the petitioner, it is very difficult to secure him. He further submitted that all the witnesses have been examined by the prosecution and the matter is posted for Investigation Officer's evidence. Hence, he vehemently objected for grant of bail to the petitioner.

5. It is seen that after examining all the witnesses by the



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prosecution, the matter is posted for Investigation Officer's evidence.

Under these circumstances, this Court is not inclined to grant bail to the petitioner since there is no change of circumstances in this case.

6. Accordingly, this criminal original petition is dismissed.

However, the trial court is directed to complete the trial within a period of eight weeks from today.

09.08.2023

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