



Crl.O.P.No. 423 of 2023

Crl.O.P.No. 423 of 2023

T.V.THAMILSELVI, J.

The petitioners, who were arrested and remanded to judicial custody on 14.11.2022 for the alleged offence under Sections 376(3) of I.P.C. Sec.5(1) r/w 6, 17 of POCSO Act, 2012 and Section 9 and 10 of Child Marriage Act, 2006 in Crime No.20 of 2021 on the file of the respondent police and the trial is pending in Spl.S.C.No.49 of 2021 on the file of learned Fast Track Mahila Sessions Court, Ariyalur, seeks bail.

2. It is a case of jumped bail. The petitioners were arrested and remanded to judicial custody on 14.11.2022 on execution of non bailable warrant issued against them.

3. The learned counsel for the petitioners would submit that the petitioners were earlier granted bail and thereafter, they were regularly appearing before the trial Court. On 02.08.2022, they were unable to appear



Crl.O.P.No. 423 of 2023

WEB COPY

before the Court and hence, the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 14.11.2022. He would submit that the petitioners have been suffering incarceration for 56 days from 14.11.2022. He would further submit that the petitioners are ready to appear before the Court regularly and to co-operate for the trial. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that the when they did not appear before the trial Court on 02.08.2022, non bailable warrant was issued against them and they have surrendered on 14.11.2022. He would submit that the petitioners are not cooperating with the trial proceedings and hence, the trial is not able to be completed by the trial court. Now, if they are released on bail, they may abscond and the trial would be stalled.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence



Crl.O.P.No. 423 of 2023

WEB COPY

committed by the petitioners and also considering the fact that the petitioners are not cooperating with the trial proceedings, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

10.01.2023

rpp



WEB COPY



Crl.O.P.No. 423 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No. 423 of 2023

10.01.2023