



Crl.OP.No.3815 of 2024

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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, 341, 120(b), 307, 302 and 506(ii) of IPC in SC.No.99 of 2020 on the file of the III Additional 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 due to previous enmity, the petitioner along with other accused persons murdered the deceased with deadly weapon. During the year 2019, the petitioner was arrested and released on bail. 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 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.



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Therefore, the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. Further, the co-accused were granted bail by this Court. 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 Additional Public Prosecutor 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. Further, out of 25 witnesses, the prosecution has examined 24 witnesses and the prosecution has to examine the Investigating Officer. He also submitted that if the petitioner comes out from the prison, his life will be in danger at the hands of the rival party. Hence, he vehemently objected for grant of bail to the petitioner.

5. It is seen that though the petitioner was granted bail, after committal and taken cognizance by the trial court in SC.No.99 of 2020 on the file of the III Additional Court, Poonamallee, the petitioner was absent before the trial Court on 16.03.2021. Therefore, the trial court issued NBW on the



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same day. It was pending for two years. The petitioner was arrested and remanded to judicial custody on 29.12.2022. While pending NBW, the petitioner also involved in another murder case. Therefore, even while facing criminal trial under Section 302 of IPC, he committed similar offence while pending NBW. That apart, now prosecution has examined 24 witnesses and only Investigation Officer has to be examined. If the petitioner is granted bail, he will flee away and the entire trial would be stalled and also his life itself will be put in danger. Therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this criminal original petition is dismissed.

28.02.2024

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