



CrI.O.P.No. 5809 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 04.09.2023 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 25 of NDPS Act, 1985 in Crime No.35 of 2020 on the file of the respondent police pending trial in Spl. S.C. No.7 of 2012 on the file of Special Judge for EC/NDPS Act Cases, Salem, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 04.09.2023 pursuant to the non-bailable warrant issued against him.

3. The learned counsel appearing for petitioner would submit that the petitioner was earlier granted bail and thereafter, he was regularly appearing before the trial Court till 18.03.2022. However, he was arrested by Andhra Police, so, he was unable to appear before the Court on 01.04.2022 and subsequently, the learned Magistrate issued non bailable warrant against the petitioner, thereby he was detained under PT warrant on 04.09.2023 on execution of non-bailable warrant and he is in judicial custody for four months. He would submit that after releasing from Andhra Pradesh jail, he



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was admitted in hospital at Bangalore for taking treatment and so, he was unable to attend the trial court. He would submit that he is an innocent person and he has been falsely implicated in this case and he has not at all committed any offence. He would submit that he is ready to abide any condition that may be imposed by this court and he is ready to appear before the Court regularly and to co-operate for the trial. He would submit that so far there is no progress in the trial and the petitioner is in judicial custody from 04.09.2023 for more than 1 year 6 months. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner was in possession of 150 kgs. of ganja and he is arrayed as A1. He would submit that as he has not appeared before the trial court on 01.04.2022, the learned Magistrate issued PT warrant and subsequently, he absconded for the period of 10 months and he was arrested only on 04.09.2023 on execution of PT warrant. He would further submit that after securing him only, there is a progress in the trial and now the case is posted for examination of L.W.2 on 14.03.2024. Hence, if he is released on bail, he may abscond and there is possibility of



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hampering the investigation. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and on considering submissions of both sides and also the fact that after granting bail by the trial court, for more than 10 months he absconded and after securing him only, there is a progress in the trial and now the case is posted for examination of L.W.2 on 14.03.2024 and also the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the learned Government Advocate submitted that as there is no Presiding Officer in that court to conduct the trial, there is no progress in trial. Now, the incharge trial judge is conducting the case. Hence, the incharge trial judge is directed to complete the trial and dispose the case within a period of four months from the date of receipt of copy of this order, since the accused is in custody for more than 1 year 6 months.

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