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CrI.O.P.No. 19205 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 16.08.2023 for the alleged offence under Section 302 I.P.C., which was altered to Sec.201, r/w Sec.302 of I.P.C. in Crime No.12 of 2020 on the file of the respondent police, pending trial in S.C.No.116 of 2021 on the file of Principal Sessions Court, Salem, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 16.08.2023 pursuant to the non-bailable warrant issued against him.

3. The learned counsel appearing for petitioner would submit that as he was remanded to judicial custody in another Crime No.63 of 2023 on the file of respondent on 23.02.2023, he could not able to appear on the date of hearing i.e. on 23.03.2023 before the Principal Sessions Judge,



Crl.O.P.No. 19205 of 2024

WEB COPY

Salem, the learned Judge ordered non-bailable warrant against the petitioner, thereby he was detained under PT warrant on 16.08.2023 on execution of non-bailable warrant. He would submit that he is in incarceration from 16.08.2023 for more than 250 days and this is the second petition seeking for bail. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is absconding for more than 8 months and thereafter, after hectic efforts, he was secured only on 16.08.2023. He would submit that 25 previous cases pending against him and totally, 27 witnesses, out of which 22 witnesses were examined and now the case is posted for examination of I.O. He would also submit that the petitioner has not cross-examined any of the witness. He would further submit that if he is released on bail, there is possibility of hampering the investigation and tampering the witnesses. Therefore, he vehemently opposed to grant bail to the petitioner.



WEB COPY



CrI.O.P.No. 19205 of 2024

5. Considering the facts and circumstances of the case and the fact that after 8 months, he was secured and the fact that out of 27 witnesses, 22 witnesses were examined, but so far this petitioner has not cross-examined any of the witnesses and the case is at the stage of examination of I.O. and so, on seeing conduct of petitioner, at this stage, if he is released on bail, there is possibility of hampering the investigation and tampering the witnesses 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 trial court is directed to complete the trial and dispose the case as early as possible.

14.08.2024

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Crl.O.P.No. 19205 of 2024

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rpp

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