



Crl.O.P.No.18947 of 2024

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P.DHANABAL, J.

The petitioner, who was arrested and remanded to judicial custody on 04.04.2024 for the alleged offence punishable under Section 302 IPC r/w 34 IPC in Crime No.717 of 2009, on the file of the respondent Police, seeks bail.

2. It is a case of jumped bail. The petitioner is facing trial in P.R.C.No.256 of 2010 on the file of the X Metropolitan Magistrate Court, Egmore, Chennai for the offences under Section 302 r/w 34 IPC. Since the petitioner did not appear before the X Metropolitan Magistrate Court, Egmore, Chennai, on 14.03.2017, the learned trial Judge issued Non Bailable Warrant against the petitioner and pursuant to which, the petitioner has approached this Court seeking for bail.

3. The learned counsel for the petitioner would submit that the petitioner did not receive the summons, did not appear before the Court on 14.03.2017 and thereby, the trial Court has issued NBW against him. He further submitted that the other accused was absconding and was unable to secure. Therefore, he prays to grant bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that the has been absconding for the past 7 years and due to his absence, there is no progress in the trial. This petitioner belongs to Bihar. He would further submit that the option available to the petitioner is that he could surrender before the concerned Court and file a petition for recalling the NBW.

5. Considering the grave nature of offence, this Criminal Original Petition stands disposed of with a direction to the petitioner to surrender before the X Metropolitan Magistrate, Egmore, Chennai and file an appropriate petition for recalling the non-bailable warrant and the Court concerned shall consider the petition for recalling the NBW and pass orders on merits of the case on the same day. The learned Magistrate is directed to commit the case to the concerned Sessions Judge within a period of one month. Thereafter, the trial Judge shall dispose the case as early as possible without giving long adjournment.

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