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CrI.O.P.No.28214 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.28214 of 2024

Soundararajan

... Petitioner

Vs.

The State represented by its,
Inspector of Police,
Arachalur Police Station,
Erode.
Crime No.68 of 2010.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to grant bail to the Petitioner/Accused in S.C.No.134 of 2013 pending before the learned I Additional District and Sessions Judge, Erode.

For Petitioner : Mr.Radha Pandian

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

Petition seeking bail in respect of S.C.No.134 of 2013 pending on the file of the learned I Additional District and Sessions Judge, Erode, in



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connection with Crime No.68 of 2010 registered for the offence punishable under Sections 447, 392 r/w 397 r/w 392 r/w 397 r/w 34 of IPC, is on board for consideration.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.134 of 2013 pending on the file of the learned I Additional District and Sessions Judge, Erode. He further submitted that since the petitioner was unable to appear before the trial Court on 03.09.2019, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to the same, he was arrested by the respondent on 29.05.2024. He also submitted that that the petitioner will appear before the trial Court on all hearing dates without fail and he would co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail to the petitioner, submitted that the petitioner, who is arrayed as A2 in Crime No.68 of 2010 is facing trial in S.C.No.134 of 2013 pending on the file of the learned I Additional District and Sessions Judge, Erode, is a habitual offender, who was convicted in nine cases out of 15 cases registered against him. He further submitted that it is



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the case of the year 2010 and the case is pending trial from the year 2013. He also submitted that earlier, during the year 2014, a non-bailable warrant was issued against the petitioner and he was secured in the year 2018 and thereafter, he appeared before the trial Court for a period of one year, however, once again he absconded on 03.09.2019. He also submitted that after a great difficulty, the respondent had secured the accused after five years i.e., on 29.05.2024. Therefore, if the petitioner is released on bail at this stage, there is every possibility of him once again absconding and not being available for trial proceedings.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the antecedents of the petitioner and that this is the second non-bailable warrant issued against the petitioner and he was secured after a period of five years, this court is not inclined to grant bail to the petitioner.

5. Accordingly, the Criminal Original Petition stands dismissed.

09.12.2024

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A.D.JAGADISH CHANDIRA.,J.

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