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Crl.O.P.No.5335 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5335 of 2025

A.Mubarak

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Tambaram Police Station,
Chennai District.

(Crime No.2622 of 2014)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the S.C.No.142 of 2016 on the file of the Additional District Judge, Chengalpattu.

For Petitioner : Mr.R.Rajprabhu

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

ORDER

The petitioner, who is facing trial for the offence under Sections 450, 302, 380 r/w 34 of IPC in S.C.No.142 of 2016 on the file of the



Additional District Sessions Court, Chengalpattu, did not appear before the Trial Court on 20.06.2017 and a Non-Bailable Warrant has been issued and thereafter, the same was executed on 04.06.2024 and remanded to judicial custody and hence, seeks bail.

2.This is the third bail application filed by the petitioner. Though the earlier bail petition of the petitioner was dismissed on 03.10.2024 by my learned predecessor, Hon'ble Justice T.V.Thamilselvi, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3.The learned counsel for the petitioner would submit that the petitioner is in custody for almost a year and there is no progress in the trial and considering the period of incarceration, he may be released on bail.

4.Per contra, learned Government Advocate (Crl. Side) for the respondent police submitted that the trial has now commenced; that the petitioner has four previous cases similar of nature and that the trial would be completed in the near future.



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5.It is seen that the Non-Bailable Warrant against the petitioner was issued on 20.06.2017. The petitioner was absconding for nearly seven years. The petitioner has four previous cases which are similar in nature.

6.Considering the aforesaid facts, the fact that the earlier bail application of the petitioner was dismissed for the very same reason, this Court is not inclined to grant bail to the petitioner at this stage.

7.Accordingly, this Criminal Original Petition is dismissed. However, the petitioner cannot be incarcerated for an indefinite period during trial. Hence, the Trial Court may conclude the trial as expeditiously as possible. If the trial is not concluded within a period of six months, the petitioner shall be at liberty to renew the bail application.

01.04.2025

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SUNDER MOHAN., J.

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