

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9894 of 2020

C.SamGiftson
S/o. Chandran
No.15/78, NGO colony
Dharapuram, Tiruppur 638 656

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Thiruvannamalai Taluk Police Station
Thiruvannamalai District
Cr. No.1779 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.1779 of 2020 on the file of the respondent police.

For Petitioner : Mr. A. Manoj Kumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 379 and
511 of of IPC in Crime No.1779 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant,
who is the General Manager of Thiruvannamali Cooperative Milk
Producers Union has lodged a complaint alleging that the petitioner
who was working as a Deputy Manager (Dairy) in charge to the
Chilling Centre, Vengikal, Thiruvannamalai District Cooperative Milk
Producers Union along with the the other accused persons was
illegally drawing 20 litres of milk every alternative day from the
milk vehicle.

3. The learned counsel appearing for the petitioner would submit
that the petitioner was working as a Deputy Manager (dairy) to the
Chilling Centre and infact he was deputed for the said post from
25.05.2018 to 31.10.2019. The duty of the petitioner is that whenever
the milk vehicle arrives at the Chilling Center, he has to monitor
the quantity and quality of the milk and his duty is within the
premises of chilling center and therefore, he never involved in the
offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the petitioner along with the other accused was drawing milk to the tune of 20 litres every alternative day from the milk lorry and it was happening for the past 20 days prior to the complaint.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of Crime No.1779 of 2020, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate-II, Thiruvannamalai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of Crime No.1779 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
02/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION,
THIRUVANNAMALAI DISTRICT,

CC to M/S. A.MANOJKUMAR Advocate on payment of necessary charges

CRL OP.9894/2020

Date :02/07/2020

RD 18/08/2020

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