

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14502 of 2020

G.Sivakumar

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
CSCID Kanchipuram Police Station
Kanchipuram District.
Cr.No.104 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.104 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 3(1) of Solvent Act Order 2000, r/w 7(1) (a)(ii) of E.C Act, in Crime No.104 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in possession of 20,000 litres of rubber solvent oil worth about Rs.9,80,175/.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A1 to A3 have been arrested and later on, they have been enlarged on bail. He would further submit that except this case, no other case is pending against the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed this petition by stating that the petitioner along with other accused was found in possession of 20,000 litres of rubber solvent oil. He would further submit that A1 to A3 have been arrested and the petitioner is added as A4. He would further submit that there is no previous case pending against the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is voluntarily prepared to deposit an amount of Rs.50,000/- to the Adyar Cancer Institute, Chennai.

6. In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to donate/pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to **"The Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai- 600 020 bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch"** without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

[a] The petitioner is directed to pay a sum of Rs.50,000/- (Rupees Fifty thousand only) either through RTGS/NEFT or in cash in favour of **"The Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai- 600 020 bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch"** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for a like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

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

[e] 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.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/09/2020

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.I,
KANCHIPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CSCID KANCHIPURAM POLICE, KANCHIPURAM
DISTRICT

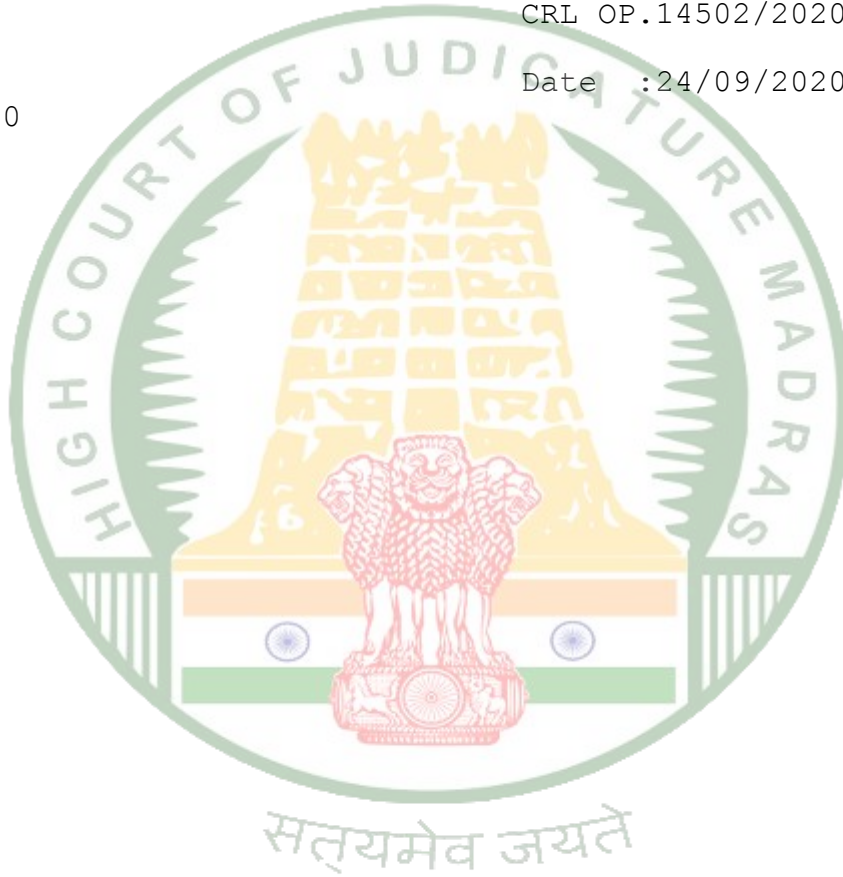
4 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE), ADYAR, CHENNAI-600 020
A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

+1 CC to M/S. A.SARANRAJ Advocate on payment of necessary
charges SR.NO.6487

CRL OP.14502/2020

Date :24/09/2020

GKS:29/09/2020



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