

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.17966 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 this the second anticipatory bail application and that earlier, the petitioner was granted anticipatory bail by this Court in CrI.O.P No.14502 of 2020 dated 24.09.2020 with condition to deposit a sum of Rs.50,000/- to the Adyar Cancer Institute, Adyar. He would further submit that the petitioner was unable to raise funds, however he had complied with the order by paying the amount on 07.10.2020 by mobile transfer. Meanwhile, the time for furnishing sureties granted in the earlier order got lapsed. Hence the petitioner was constrained to file the present petition seeking for anticipatory bail.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Taking note of the facts and circumstances and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions :

[a] Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance in the event of arrest or on his appearance and furnishing the proof of payment of Rs.50,000/- to the Adyar Cancer Institute, Chennai, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kanchipuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[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/-

11/11/2020

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 CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
CSCID KANCHIPURAM POLICE,
KANCHIPURAM DISTRICT

5 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI 600 020

+1 CC to M/S. A.SARANRAJ Advocate on payment of necessary charges Sr.7613

सत्यमेव जयते CRL OP.17966/2020

Date :11/11/2020

RVR 20/11/2020

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