



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.7678 of 2020

Sheik Abdul Kadar Sait

... Petitioner/Accused No.6

Vs

State represented by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Cr.No. 425 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No. 425 of 2020 on the file of the respondent police.

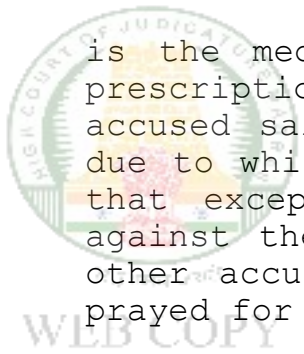
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A6, apprehending arrest at the hands of the respondent police for the offences punishable under sections 304(ii), 328 and 336 of IPC r/w Sections 109, 269 and 188 of IPC and Section 3 of Epidemic Disease Act, 1985 and 51(B) of Disaster Management Act, in Crime No.425 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother of the deceased. The petitioner is the owner of a Medical Shop and he was said to have sold TEGRITAL tablets to A1 without prescription of the Doctors. Thereafter, the deceased along with other accused said to have consumed the tablets along with cool drinks, out of which, the deceased died. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner



is the medical shop owner and he has given medicine based on a prescription of a Doctor. Thereafter, the deceased along with other accused said to have consumed the tablets along with cool drinks, due to which, the deceased said to have died. He further submitted that except selling the tablets, no other overt act attributed against the petitioner. He further submitted that except A1, all other accused have been arrested and released on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner is the owner of the Medical Shop and he was said to have sold TEGRITAL tablets to A1 without prescription of the Doctors and thereafter, the deceased along with other accused said to have consumed the tablets along with cool drinks, out of which, the deceased died. He further submitted that A1 has already been arrested and remanded to judicial custody and all other accused have been arrested and released on bail.

6.Considering the facts and circumstances of the case and also considering the rival submission made on either side and on perusal of the records, it is seen that the petitioner sold tablets, which is a schedule H Drug, to A1 without prescription of the Doctors and thereafter, A1 and the deceased along with other accused said to have consumed tablets, due to which, the deceased died. Except selling the tablets, no other overt act attributed against the petitioner and A1, who has purchased the tablets and given to the deceased, has already been arrested and remanded to judicial custody and all other accused have been arrested and released on bail, considering the above circumstances, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Athur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;
(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

/ TRUE COPY /

sd/-
05.08.2020

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Judicial Magistrate, Athur.
2. -Do- Through The Chief Judicial Magistrate,
Dindigul District.
- 3.The Inspector of Police,
Sempatti Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7678 of 2020
Date : 05/08/2020

VB (12.08.2020) 3P 5C