

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.582 of 2021

NATARAJAN

[PETITIONER / ACCUSED]

Vs

STATE BY INSPECTOR OF POLICE [RESPONDENT]
THIRUPATHUR TOWN POLICE STATION,
THIRUPATHUR, VELLORE DISTRICT,
NOW THIRUPATHUR DISTRICT,
CRIME NO.1558/2020.

For Petitioner : M/S.K.DESINGH Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 407, 420, 483, 485, 488, 489 and 506(ii) of IPC in Cr.No.1558 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 collected the empty cool drinks bottles belongs to the defacto complainant's company and erased the company name, printed the name of the petitioner's company and sold their cool drinks in the open market. Based on the complainant lodged by the defacto complainant, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he is falsely implicated in this case. Co-accused has already released on bail by this Court. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- in favour of the Dean, Rajiv Gandhi General Hospital, Chennai for the treatment of the COVID-19 affected persons. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the petitioner has collected huge number of cool drink bottles from different company and print his company name and sold their cool drinks in the open market. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Tiruppattur 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non-refundable deposit either through RTGS/NEFT/cash/demand draft in favour of the Dean, Rajiv Gandhi Government General Hospital, Chennai for the treatment of COVID-19 patients, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(c) the petitioner shall report before the respondent police daily at 10.30 a.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;

(f)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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/04/2021

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, TIRUPPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE
THIRUPATHUR TOWN POLICE STATION,
THIRUPATHUR, VELLORE DISTRICT,
NOW THIRUPATHUR DISTRICT,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN, RAJIV GANDHI
GOVERNMENT GENERAL HOSPITAL,
CHENNAI

CC to M/S.K.DESINGH Advocate on payment of necessary charges
Sr.5499

सत्यमेव जयते

CRL OP.582/2021

Date :27/04/2021

RVR 13/05/2021

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