

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.1178 of 2021

E.RAVI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
B-5, HARBOUR POLICE STATION,
CHENNAI DISTRICT.
CRIME NO.3 OF 2020.

For Petitioner : M/S.D.BENNINGTON Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 406,407,381 and 167 of I.P.C in Crime No.03 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are six accused in this case and the petitioner is ranked as A5. It is alleged that the transporter deputed to carry CR Coils for the Port Trust have not followed the proper procedures and the petitioner, who is authorised Signatory had approved the same. Later CSIF on verification found that there is a variation in the number of CR Coils mentioned in the Vehicle ticket, transit slip and coil landing report and they informed the same to the respondent and they have registered the case against the petitioner.

3.The learned counsel for the petitioner would submit that as faras the petitioner is concerned he is only a authorised signatory and not aware of the No. of CR Coils transported and relying on the inspection done by the delivery clerk and the preventive officer of the customs, the petitioner has approved the bill. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public prosecutor would submit that the petitioner being a Assistant Superintendent of the Chennai Port Trust is responsible to authorise the inspection done by the

delivery clerk and the preventive officer of the customs, but without verifying properly he has simply endorsed the voucher. He would further submit that the investigation is completed and similarly placed co-accused persons were granted bail. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the investigation is completed and similarly placed co-accused persons was granted bail, this court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned No.XVI Metropolitan Magistrate, George Town, Chennai, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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]**.

[f] 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/-
01/03/2021

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 METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-5, HARBOUR POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.D.BENNINGTON Advocate on payment of necessary charges SR.NO.2546

CRL OP.1178/2021

Date :01/03/2021

TA-16/03/2021

WEB COPY