

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6139 of 2021

1 GOPI @ GOPINATH
2 M.RAJI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
REDHILLS POLICE STATION,
MADHAVARAM, CHENNAI
(CR.NO.99/2021)

[RESPONDENT]

For Petitioner : M/S.A.EDINBROUGH Advocate

For Respondent : MR.K.PRABAKAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 285, 353 & 506(i) of IPC read with Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Cr.No.99 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 12.03.2021, during the vehicle routine check up, conducted by the respondent, the petitioners were found in possession of 200 ltrs of black oil in 47 barrels without safety. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and the first accused is load man, second and third accused are the driver and cleaner respectively. They have not nothing to do with the alleged offence as stated by the prosecution. Hence, the learned counsel prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the accused 1 to 3 have illegally transported 9000 ltrs. Of black oil without any valid license.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners subject to the following conditions:-

6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of the Dean, Rajiv Gandhi Government General Hospital, Chennai and on such deposit and production of proof, the petitioners are 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, Thiruvallur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. For a period of two weeks and thereafter, as and when required for interrogation;

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

09/04/2021

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, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
REDHILLS POLICE STATION,
MADHAVARAM, CHENNAI

5 THE DEAN, RAJIV GANDHI
GOVERNMENT GENERAL HOSPITAL,
CHENNAI

CC to M/S.A.EDINBROUGH Advocate on payment of necessary charges
SR.NO.4649

CRL OP.6139/2021

Date :09/04/2021

rvr 17/04/2021