

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.8728 of 2021

M.Amudhan

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
Madhurandhakam Police Station,
Kancheepuram District. Respondent
(Crime No.41 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest by the respondent police concerned in Crime No.41 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Ganesan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest pursuant to the First Information Report registered against him in Crime No.41 of 2021 on the file of the Inspector of Police, Madhurandhakam Police Station, Kancheepuram District, under Sections 285 and 379 IPC, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons were illegally filling furnace oil into 35 litres plastic can from the tanker lorries with the help of the driver of the said lorries and thereby the Law Enforcement authority has registered a case against the petitioner.

3. The learned counsel appearing for the petitioner would submit that on an earlier occasion, the anticipatory bail petition in Crl.O.P.No.6921 of 2021 was filed and the same was dismissed by this Court vide order dated 09.04.2021 and he would further add that the petitioner's wife has undergone a spine surgery and she is not able to move from any place and not able to survive without the help of others and in the event of arrest of the petitioner, his family would put to hardship and hence prays for anticipatory bail.

4. However, the learned counsel on instructions submitted that the petitioner is ready to deposit a sum of Rs.2,00,000/- in favour of the Chief Ministers Public Relief fund for COVID-19 relief. Hence the learned Government Advocate has no serious objections for grant of anticipatory bail.

3. In view of the stand taken by the learned counsel for the petitioner and considering the facts and circumstances of the case, this Court of the opinion that the petitioner is entitled to Anticipatory Bail subject to certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Madhurandhakam. subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in favour of the Chief Ministers Public Relief fund as COVID-19 relief, within a period of two weeks from the date of receipt of a copy of this order / uploading of the order in the website;

(b) 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 Trial Court concerned, failing which, the petition for anticipatory bail shall stand dismissed;

(c) 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.

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

4. With the above directions, anticipatory bail is granted and this Criminal Original Petition is ordered.

-sd/-

02/06/2021

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,
MADHURANDHAKAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MADHURANDHAKAM POLICE STATION,
KANCHEEPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
THE CHIEF MINISTERS PUBLIC RELIEF FUND,
CHENNAI

CC to M/S M.GANESH Advocate on payment of necessary charges

CRL OP.8728/2021

Date :02/06/2021

RVR 06/07/2021