

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice S. KANNAMMAL

CRIMINAL ORIGINAL PETITION No.9149 of 2021

R.SACHIN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
S-11 POLICE STATION,
TAMABARAM WEST,
CHENNAI- 600 045

For Petitioner : M/S. D.KAMATCHI 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 offences punishable under Sections 269 and 270 of IPC read with Sections 53 and 57 of the Disaster Management Act 2005, r/w Section 3 of Epidemic Diseases Act, 1897 r/w Section 7 of the Essential Commodities (Display of stocks and Prices and Maintenance of Accounts) Order 1977 in Crime No.186 of 2021, seeks anticipatory bail.

2. Totally there are seven accused and the petitioner herein is A2 and he is working as a Doctor in Government Medical College and Hospital, Thiruvannamalai. The case of the prosecution is that on secret information, the de-facto complainant secured A1 and A3 and they were found in possession of 17 bottles of Remdesivir drug used for Corona treatment, purportedly to sell it for higher price to those who are in need of such drug. The allegation against the petitioner is that he collected the Remdesivir drug which allotted for the covid-19 patients, who later died and sold it to A1 for a sum of Rs.4,800/-.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and that for creating awareness and sharing information regarding symptoms, treatments, medicines vaccination etc, a Whats app Group was created among the doctors across the State and the petitioner is one among the members of Whats app group and he has nothing to do with the alleged offence.

4. The learned Government Advocate (Crl.side) appearing for the respondent/police vehemently opposed the Petition for anticipatory bail and submitted that the petitioner had collected the drugs and sold the same to A1 for higher price. He further submitted that the other accused were arrested and are still in Judicial custody and investigation is pending and therefore, at this stage, the prayer of the petitioner need not be granted.

5. The petitioner is a Doctor in Government Hospital, Thiruvannamalai. The offence alleged against him is that he indulged in sale of Remdesivir drug, used for Corona treatement, for higher prices and to gain unlawfully. It is stated by the learned Government Advocate that investigation is pending in this case. The involvement of the petitioner in the alleged sale of the drug, along with others, has to be probed by the investigation agency and at this stage, the relief of anticipatory bail cannot be granted. Therefore, this Court is not inclined to grant the relief of anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

13/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

WEB COPY

TO

1 THE INSPECTOR OF POLICE,
S-11 POLICE STATION, TAMABARAM WEST.
CHENNAI- 600 045

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9149/2021

Date :13/05/2021

RVR 14/06/2021



WEB COPY