

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

Coram

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

Crl.O.P.No.9239 of 2021

M.Syed Abdulla @ Abdulla

... Petitioner

Versus

State Rep. by

The Inspector of Police,
Sholavaram Police Station,
Thiruvalur District.
Crime No.371 of 2021

... Respondent

Criminal Original Petition is filed under Section 438 of Code of Criminal Procedure, praying to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.371 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Gopi Krishnan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest for the alleged offence under Sections 353, 418, 506(ii) of IPC and 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.371 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, Sub-Inspector of Police, on information, proceeded to the godown of one Nazzar-A-1, where they have noticed that cement bags were being loaded in two lorry bearing TN 20 AF 4176 and TN 23 F 1570. On seeing the police party, the cement loaders left the vehicle and fled away. It was also noticed that the cement bags contained adulterated cement, hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person. He was only working as a driver of the vehicle owned by A-1 Nazzar and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent/police would submit that he has objection to the petition being allowed.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 Judicial Magistrate No.II, Ponneri, 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, the petition for anticipatory bail shall stand dismissed 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter 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.

-sd/-

13/05/2021

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.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

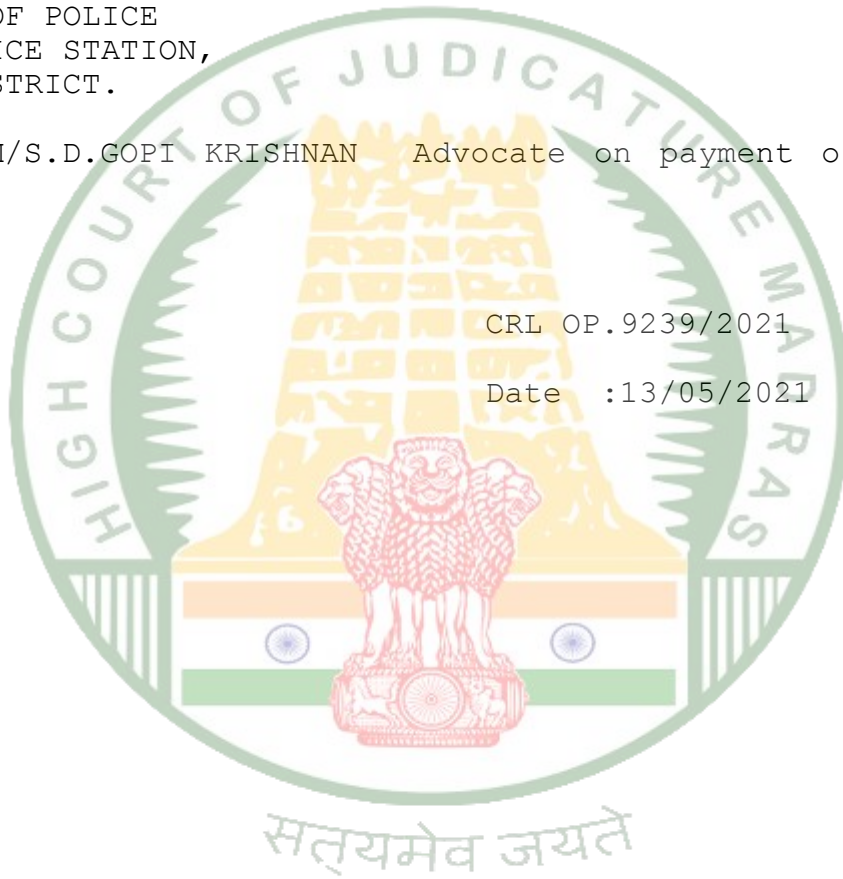
4 INSPECTOR OF POLICE
SHOLAVARAM POLICE STATION,
THIRUVALUR DISTRICT.

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

CRL OP.9239/2021

Date :13/05/2021

RVR 30/06/2021



WEB COPY