



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice S. KANNAMMAL

CRIMINAL ORIGINAL PETITION No.12087 of 2021

R.GOPINATH

[ PETITIONER / ACCUSED ]

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
VILLUPURAM TALUK POLICE STATION,  
VILLUPURAM,  
VILLUPURAM DISTRICT.  
(CRIME NO.777 OF 2021)

[ RESPONDENT ]

For Petitioner : M/S.M.GNANASEKAR Advocate

For Respondent : MR.V.J.PRIYADARSHANA, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120-B and 420 of IPC and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.777 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.Totally there are three accused and the petitioner herein is A3. The case of the prosecution is that on 05.05.2021, on information, when the police personnel had intercepted a car bearing registration No.PY-05-J2257 at Taxi Stand at Villupuram New Bus Stand and on inspection, A1, who is a Doctor, running a hospital in the name of "Krishna Hospital" near Gingee, was found in possession of 5 bottles of Remdesivir injection used for treatment of Corona Virus, purportedly to sell it for higher price to those who are in need of such drug. Further, it was informed by A1 that he purchased the same from A2, who is working as Pharmacist in QNQ Healthcare, Villupuram. The allegation against the petitioner is that A2 purchased the above said Remdesivir injection from the petitioner/A3, who is a Doctor in Government Hospital, Mundiambakkam.



3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has nothing to do with the alleged possession of the drug by A1. The learned counsel for the petitioner submitted that the petitioner is ready to abide any condition as imposed by this Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent police vehemently opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also that the petitioner is ready to abide any condition as imposed by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft drawn in favour of *Chief Minister's Public Relief Fund*, and to be sent to *The Joint Secretary to Government and Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Secretariat, Chennai-600 009*, within a period of two weeks from the date on which the order copy made ready and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned *Judicial Magistrate-I, Villupuram*, and on further 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 and on further condition that:

(a) the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft drawn in favour of *Chief Minister's Public Relief Fund*, and to be sent to *The Joint Secretary to Government and Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Secretariat, Chennai-600 009*, within a period of two weeks from the date on which the order copy made ready and produce the proof of such payment before the learned *Judicial Magistrate-I, Villupuram*;

(b) the petitioner 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;

(c) 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.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



(f) 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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

06/10/2021

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-I,  
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
VILLUPURAM TALUK POLICE STATION,  
VILLUPURAM, VILLUPURAM DISTRICT.

4 THE JOINT SECRETARY TO GOVERNMENT AND TREASURER,  
CHIEF MINISTER'S PUBLIC RELIEF FUND,  
FINANCE (CMPRF) DEPARTMENT,  
SECRETARIAT, CHENNAI 600 009.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.M.GNANASEKAR Advocate on payment of necessary charges SR.NO.11085

CRL OP.12087/2021

Date :06/10/2021

CSK 11/10/2021

<https://hcservices.ecourts.gov.in/hcservices/>