

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9644 of 2021

Lingesh @ Lingeshwaran

... Petitioner

Vs.

The State by
The Inspector of Police,
Tambaram Police Station,
Chennai
(Crime No.186 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail, pending investigation in Crime No.186 of 2021 on the file of the respondent.

For Petitioner : Mr.S.Kumara Devan

For Respondent : Mr.E.Raj thilak
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 30/4/2021 and remanded to judicial custody for the offences under Sections 269, 270 and 381 of IPC, Sections 53 and 54 of Disaster Management Act, 2005 r/w Section 3 of Epidemic Diseases Act, 1877 and Section 7 of Tamil Nadu Essential Commodities Act @ 269, 270, 381 of IPC, Sections 53, 54 of Disaster Management Act 2005, Section 3 of ED Act, 1877, in Cr.No.186 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in possession of 17 Remdesivir injections illegally. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 30.04.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner on the present pandemic COVID 19 situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a). The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Medical Superintendent/Authorised Officer of Tiruvannamalai Government Hospital, Tiruvannamalai District."

(b) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Puzhal, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(c) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate No.1, Tambaram, The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate No.1, Tambaram.

(d) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. The petitioner shall not interfere, influence or cause hindrance to the pending investigation.

(e) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(f) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

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

(h) 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;

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

6. The amount to be deposited by the petitioner, can be utilised by the Medical Superintendent/Authorised Officer of Tiruvannamalai Government Hospital, Tiruvannamalai District, for COVID Managements and the said amount is not refundable.

-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,
NO.I, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

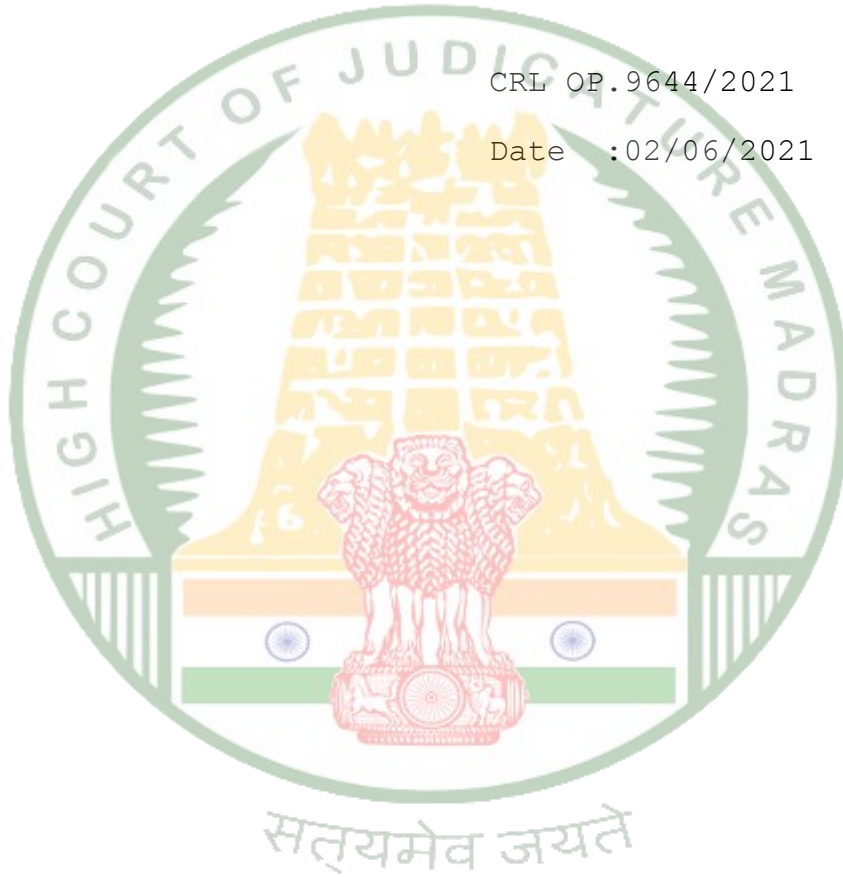
6 THE MEDICAL SUPERINTENDENT/
AUTHORISED OFFICER OF TIRUVANNAMALAI
GOVERNMENT HOSPITAL, TIRUVANNAMALAI DISTRICT.

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

CRL OP.9644/2021

Date :02/06/2021

RVR 03/06/2021



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