

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.9692 of 2021

Mohammed Imran

... 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/Accused on bail in connection with Crime No.186 of 2021 on the file of the respondent Police.

For Petitioner : Mr.B.Vijay

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

ORDER

The petitioner who was arrested on 29.04.2021 and remanded to judicial custody for the offences under Sections 269, 270 and 381 of IPC, Sections 53 and 57 of Disaster Management Act, 2005 r/w Section 3 of Epidemic Diseases Act, 1897 and Section 7 of Tamil Nadu Essential Commodities (Display of Stocks and Prices and Maintenance of Accounts ) Order 1977, 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 were found in possession of 17 vials of 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 29.04.2021 Hence, prays for grant of bail to the petitioner.

4. Learned counsel appearing for the petitioner would further submit that the petitioner is willing to deposit the amount which will be fixed by this Court and also willing to render his assistance in the COVID ward, for two months, without any salary.

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

6. Considering the fact that the petitioner is willing to deposit the amount, which is going to be fixed by this Court, and also considering the fact that he is willing to render his assistance to the patients who are affected with COVID, without salary, this Court is inclined to grant bail to the petitioner with the following conditions"-

(a). The petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Dean, Rajiv Gandhi Government General Hospital, Chennai";

(b). The petitioner shall give an undertaking to the effect that he will render his assistance to the Dean, Rajiv Gandhi Government General Hospital, Chennai, for two months without any salary in the COVID ward,

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

(d) (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.

(e) 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.

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

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

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

(i) 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;

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

7. The amount to be deposited by the petitioner, can be utilised by the DEAN of the Rajiv Gandhi Government General Hospital 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 PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

WEB COPY

4 THE INSPECTOR OF POLICE  
TAMBARAM POLICE STATION, CHENNAI.

5 THE OFFICER INCHARGE,  
SUB JAIL, SAIDAPET, CHENNAI

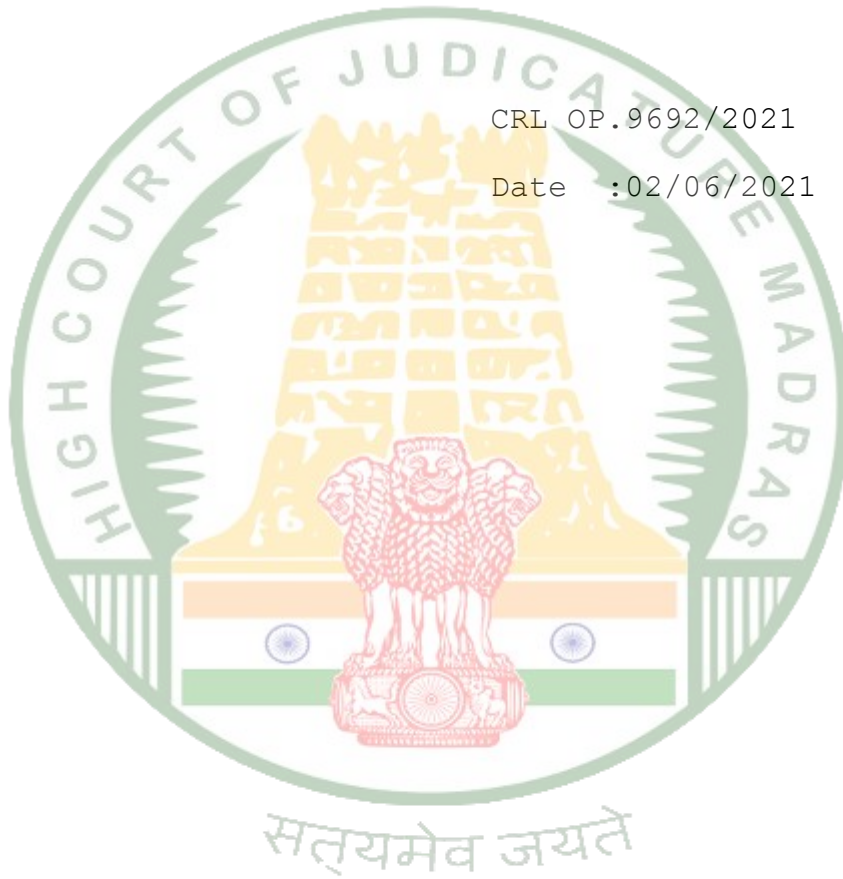
6 THE DEAN, RAJIV GANDHI  
GOVERNMENT GENERAL HOSPITAL, CHENNAI

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

CRL OP.9692/2021

Date :02/06/2021

RVR 03/06/2021



WEB COPY