

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.10549 of 2021

Dr.R.Sachin

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
S-11, Police Station,
Tambaram West,
Chennai-600 045.
(Crime No.186 of 2021)

... Respondent

PRAYER: Criminal Original petitions have been filed under Sections 482 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.186 of 2021, on the file of the respondent.

For Petitioner : Mr.D.Kamachi

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 269, 270 IPC r/w. Section 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. The case of the prosecution is that the petitioners 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/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that this is thesecond anticipatory bail petition and the co-accused were granted anticipatory bail by this Court in Crl.O.P.Nos.9692 of 2021, 9644 of 2021 and 9562 of 2021. He further submitted that the petitioner is an innocent person 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. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that there are totally six accused in this case. Except this petitioner, some of them were granted bail and some of them were granted anticipatory bail. He further submitted that the petitioner had collected the drugs and sold the same to A1 for higher price. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also of the fact that the co-accused are granted bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Covid Medical Superintendent/Authorised Officer, Tiruvannamalai Government Hospital, Tiruvannamalai. On such deposit, 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-I, Tambaram 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]**.

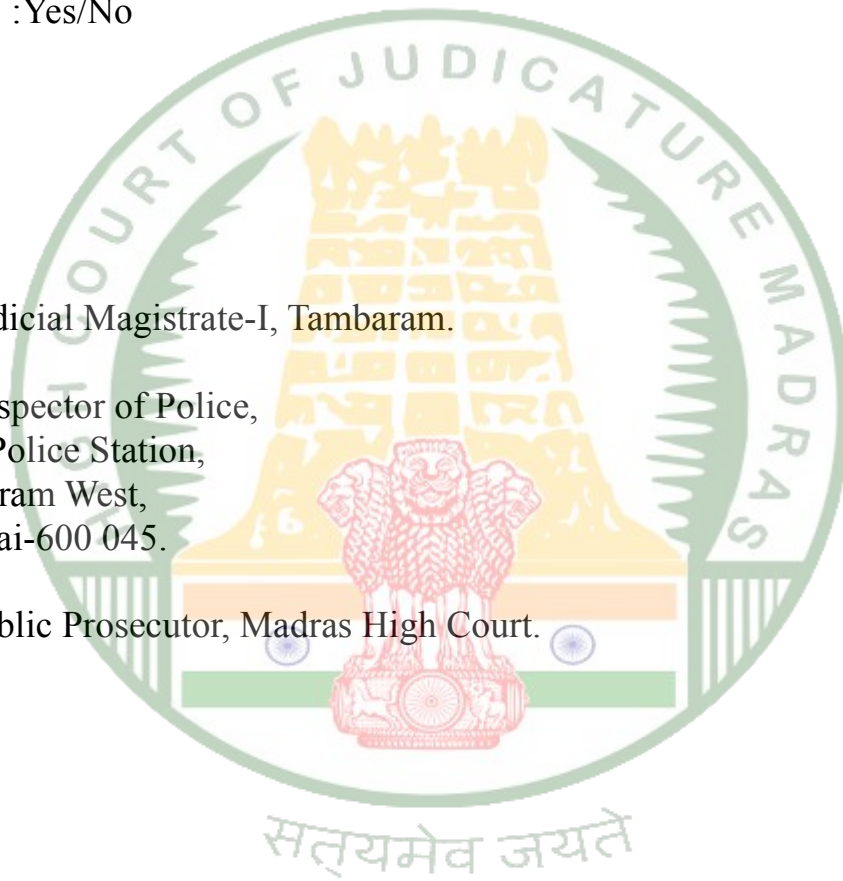
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Index : Yes/No
mpa

To

- 1.The Judicial Magistrate-I, Tambaram.
2. The Inspector of Police,
S-11, Police Station,
Tambaram West,
Chennai-600 045.
- 3.The Public Prosecutor, Madras High Court.



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S.KANNAMMAL.J,
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