

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10498 of 2021

G.Senguttuvan

... Petitioner

Vs.

State Rep. by
Inspector of Police,
V-1, Villivakkam Police Station,
Chennai.

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner/ accused on bail in Crime No.234 of 2021 on the file of the Inspector of Police, V-1, Villivakkam Police Station, Chennai.

For Petitioner : Mr.G.Saravanakumar

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 24.05.2021 for the offence under Sections 409, 465, 468, 471 of IPC and Section 7 (1)(a)(i) of Essential Commodity Act in Cr.No.234 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was found in possession of 30 vials of Remdesivir and was selling the same in open market for higher price.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a reputed pharmacist holding license to purchase and sell medicine and further submitted that the petitioner has purchased the same from authorized distributors. The learned counsel, on instructions, further submitted that the petitioner, without prejudice to his rights is ready to deposit a sum of Rs.2,00,000/- to the Director/Dean, The King Institute of Preventive Medicine and Research,

Chennai, to enable the Director/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients.

4. Heard the submissions made by the learned Government Advocate (Crl. Side).

5. Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

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

(b) within a period of four weeks after the release, 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 learned VI Metropolitan Magistrate Court, Egmore, Chennai;

(c) in case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated;

(d) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) through demand draft drawn in favour of the Director/Dean, The King Institute of Preventive Medicine and Research, Guindy Institutional Area, SIDCO Industrial Estate, Guindy, Chennai - 600 032, to enable the Director/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients. The challan/receipt of such payment shall be produced at the time of executing the bond before the learned VI Metropolitan Magistrate Court, Egmore, Chennai.

(e) 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;

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

(g)the petitioner shall not tamper with 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.

-sd/-

16/06/2021

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 METROPOLITAN MAGISTRATE
NO.VI, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB-JAIL, PONNERI, CHENNAI.

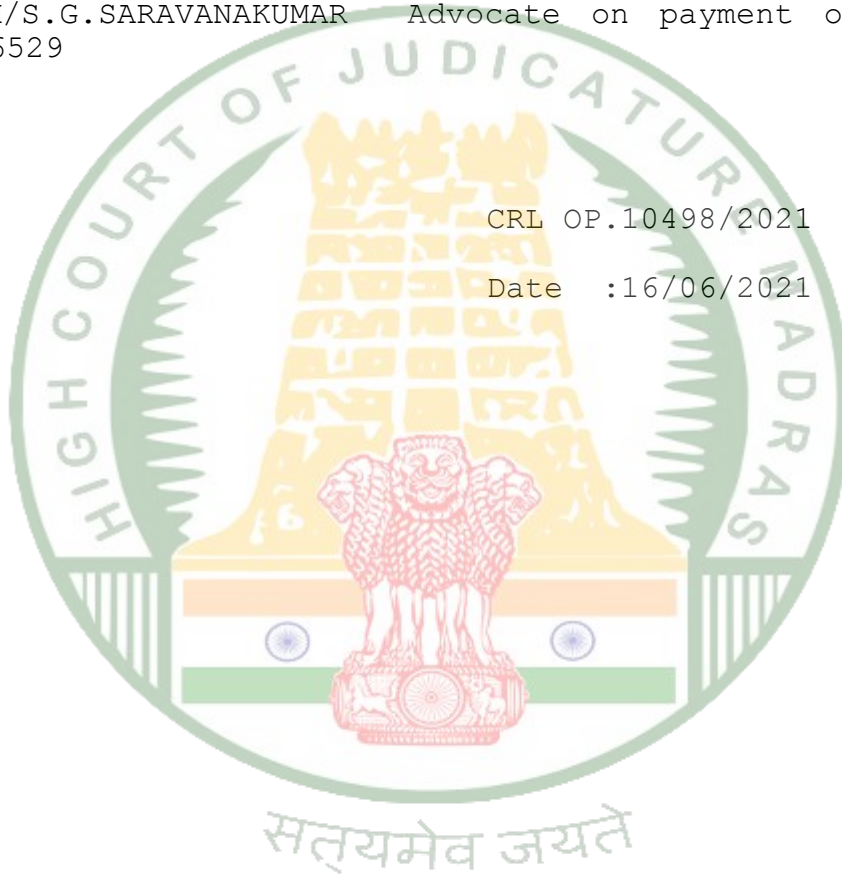
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
V-1, VILLIVAKKAM POLICE STATION,
CHENNAI.

6 THE DIRECTOR/DEAN,
THE KING INSTITUTE OF PREVENTIVE
MEDICINE AND RESEARCH,
GUINDY INSTITUTIONAL AREA,
SIDCO INDUSTRIAL ESTATE,
GUINDY, CHENNAI - 600 032.

+1 CC to M/S.G.SARAVANAKUMAR Advocate on payment of necessary
charges SR.No.6529

cs 17/06/2021



CRL OP.10498/2021

Date :16/06/2021

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