

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10755 of 2021

SB.Sirajudeen

..Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
Tambara Police Station,
St. Thomas Mount, Chennai.
Crime No.440 of 2021.
Respondent

..

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest in connection with the crime No.440 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Bharath Kumar

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

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 7(1)(a)(i) of the Essential Commodities Act, 1955 in Crime No.440 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Saravanan was selling medicines for the treatment of Black Fungus disease in the black market. Upon receiving such information, when the respondent police along with Drug Inspector and other officials conducted search at the gate of Hindu Mission Hospital, they caught one Saravanan, who possess a bag containing the medicine for black fungus disease. Based on his confession, the petitioner has also involved in this case.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. On instructions, he further submitted that the petitioner is ready to deposit a sum of Rs.2,00,000/- in favour of the Health Secretary, Health

Department, Chennai-9 without prejudice to his contention and prayed for grant of anticipatory bail.

4. The learned Government Advocate submitted that the petitioner purchased the medicines for black fungus from the petitioner and the same was selling in black market to general public with higher price. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel that the respondent police has seized the entire materials, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the copy of this order is made ready, 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 Judicial Magistrate-I, Tambaram, 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 is directed to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) as non-refundable deposit either through RTGS/NEFT/cash or demand draft in favour of the Secretary to Government, Health Department, Secretariat, Chennai for the treatment of the Black Fungus affected persons, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

[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].

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

-sd/-
22/06/2021

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-I,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
ST.THOMAS MOUNT, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECRETARY TO GOVERNMENT,
HEALTH DEPARTMENT, SECRETARIAT,
CHENNAI.

+1 CC to M/S R.BHARATH KUMAR Advocate on payment of necessary charges
SR.NO. 6757

WEB COPY

CRL OP.10755/2021

Date :22/06/2021

MN-02/07/2021