

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.17762 of 2020

P.SURESH

[PETITIONER/ACCUSED No.3]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
SALEM DISTRICT.
CRIME NO.673/2020

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S C.D.SUGUMAR Advocate

For Respondent : M/S.S.KARTHIKEYAN Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is A3. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 420 of IPC, in Crime No.673 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A3 along with A1 and A2 were involved in the offence of infringing copyright of the defacto complainant cement company and were selling adulterated cement to the public. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. He further submitted that petitioner/A3 is only a driver working under A1 and A2. The petitioner only transported the cement bags in the lorry and he is not aware whether the cement bags are genuine one or fake one. Hence, the learned counsel prays to grant anticipatory bail to the

petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with A1 and A2 was involved in the sale of adulterated cement to the public.

5. Considering the facts and circumstances of the case, and the fact that the petitioner/A3 is only the driver of the lorry and the main allegation is against A1 and A2, this Court is inclined to grant anticipatory bail to the petitioner/A3, subject to the following conditions :

(a) Accordingly, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Attur, Salem, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

(b) 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.

(c) The petitioner shall appear before the respondent police as and when required for interrogation.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/02/2021

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, ATTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ETHAPPUR POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S C.D.SUGUMAR Advocate on payment of necessary charges
SR.NO.2284.

CRL OP.17762/2020

Date :24/02/2021

EP-10/03/2021

WEB COPY