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CrI.O.P.No.10900 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 409 and 420 of IPC in Crime No.307 of 2023, seeks anticipatory bail.

2.An inspection team of Aavin had conducted a search in the house of the petitioner had seized 140 Kgs of Aavin butter and 175 Kgs of milk powder along with empty Aavin bags and bottles. It had been every specifically stated that the petitioner has no cows and the only inference is that the petitioner was adulterating milk with water and selling it. It had been stated that the defacto complainant had suffered loss of more than Rs.2,00,000/-.

3.A counter affidavit had been filed, wherein, it had been stated that the Vigilance Department of Aavin had seized the aforementioned products. It had also been stated that the petitioner has been engaging in selling the adulterated milk for the past four years.

4.This is a third anticipatory bail petition. The earlier petition



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was dismissed on 20.03.2024 in Crl.O.P.No.4395 of 2024. One supervening circumstance from that date is that, it has now been revealed that the petitioner is suffering from cancer. Therefore, necessarily he has to take treatment and for that purpose, he must have the confidence to go over to the hospital for getting treatment.

5.Taking that factor into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.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 on which the order copy made ready, before the learned Judicial Magistrate, Sholinghur, 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



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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 everyday 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.

10.06.2024

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