



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Thirteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3110 of 2020

R.JANARDHANAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
AVINASI POLICE STATION,
TIRUPPUR DISTRICT,
(CRIME NO.59/2020).

For Petitioner : M/S. T.BALACHANDRAN Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections **(*) 4(1) (a) (a) (a) , 4(1-A)** of Tamil Nadu Prohibition Act r/w. Sections 4, 5, 6 of TNRS Rules in Cr.No.59 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 15190 litres of rectified spirit.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The learned counsel on instructions, would further submit that to show his bonafide, the petitioner is ready to pay a sum of Rs.2 Lakhs for construction of toilet and other facilities in the Girls Higher Secondary School, Avinashi, Tiruppur District.

4.The learned Government Advocate (Criminal Side) would submit that there are three previous cases pending as against the petitioner.

5.Considering the fact that the petitioner is ready to pay a sum of Rs.2 Lakhs for construction of toilet in the Girls Higher Secondary School, Avinashi, Tiruppur District, this Court is inclined to grant anticipatory bail to the petitioner.



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 of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Avinashi, Tiruppur District 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 and on further condition that:

(a) the petitioner shall pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) directly to the Principal/ Head Master/ Head Mistress of the Girls Higher Secondary School, Avinashi, Tiruppur District, by way of demand draft drawn in favour of the Principal/ Head Master/ Head Mistress, within a period of two weeks from the date of receipt of a copy of this order.

(b) On receipt of the said amount, the Principal/ Head Master/ Head Mistress of the Girls Higher Secondary School, Avinashi, Tiruppur District, shall use the same for construction of toilet in the School premises. After completion of the construction of toilet in the School premises, the Principal/ Head Master/ Head Mistress shall submit a visual report to the Chief Educational Officer/ District Educational Officer, Tiruppur District. The entire exercise shall be completed within a period of three months from the date of receipt of the amount.

(c) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;



(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
13/02/2020

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.

**(*) AMENDED AS PER ORDER OF THIS COURT DATED 28/02/2020 MADE IN
CRL.MP.NO.2792 OF 2020**

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, AVINASHI, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
AVINASI POLICE STATION, TIRUPPUR DISTRICT.

5 THE PRINCIPAL/HEAD MASTER/
HEAD MISTRESS OF THE GIRLS HIGHER SECONDARY
SCHOOL, AVINASHI, TIRUPPUR DISTRICT.

6 THE CHIEF EDUCATIONAL OFFICER,
DISTRICT EDUCATIONAL OFFICER, TIRUPPUR DISTRICT

CC to M/S. T.BALACHANDRAN Advocate on payment of necessary
charges sr.4159

CRL OP.3110/2020

Date :13/02/2020

RVR 17/02/2020
RVR 02/03/2020