

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10710 of 2021

1.Mohan
2.Arivazhagan
3.Siva

...Petitioners

Versus

State represented by
The Inspector of Police,
Olakkur Police Station,
Villupuram District.
(Crime No.345 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of apprehending arrest in the Crime No.345 of 2021 on the file of the respondent.

For Petitioners : Mr.N.S.Ramesh Durai

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 4(1) (A), 4(1)(aaa) of the Tamil Nadu Prohibition Act, 1937 in Cr.No.345 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in possession of 250 litres of ID Arrack and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.30,000/- for the purpose of improving and maintaining the Government Schools.

4.The learned Government Advocate (Crl.Side) submitted that the petitioners were found in possession of 250 litres of ID arrack and the same was seized by the respondent police and there are no previous cases pending against the petitioners.

5.Considering facts and circumstances of the case and there being no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Tindivanam**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten thousand Only) each, 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)if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioners shall make a non-refundable deposit of **Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the Chief Educational Officer, Villupuram District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement**, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioners;

(c)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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(f)the petitioners 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 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]**; and;

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

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-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,
NO.I, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OLAKKUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT.

+1 CC to M/S.N.S.RAMESH DURAI Advocate on payment of necessary charges SR.NO.6680

CRL OP.10710/2021

Date :22/06/2021

WEB COPY

TA-09/07/2021