

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11414 of 2021

1.Muthusamy
2.Ponnusamy

... Petitioners

Vs.

The State Represented by
Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
(Crime No.164 of 2021)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.164 of 2021 on the file of the Inspector of Police, Eriyur Police Station, Dharmapuri District.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. Side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(g), and 4(1-A) of TNP Act in Cr.No.164 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have been found in possession of 25 litres of Ural.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in the case. The learned counsel, on instructions, further submitted that the petitioners are ready to deposit a sum of Rs.25,000/- to the Chief Educational Officer, Dharmapuri District.

4.The learned Government Advocate (Criminal Side) submitted that there is no previous case as against the petitioners.

5.Considering the fact that the petitioners are ready to deposit a sum of Rs.25,000/- to the Chief Educational Officer, Dharmapuri District, this Court is 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, Pennagaram, Dharmapuri District, on condition that the petitioners shall execute a 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)The petitioners shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of the Chief Educational Officer, Dharmapuri District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment, without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/ acknowledgment shall accept the sureties furnished by the petitioner.

(b)the petitioners 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;

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

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

(e)the petitioners 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]; and;

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

7.The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done 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/-
02/07/2021

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,
PENNAGARAN, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERIYUR POLICE STATION,
DHARMAPURI DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,
DHARMAPURI DISTRICT.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges
SR.No.7032

CRL OP.11414/2021

Date :02/07/2021

cs 12/07/2021