

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11501 of 2021

1. Mohanraj
2. Balamurugan
3. Gunaseelan

... Petitioners

Vs.

The State Represent by
The Sub Inspector of Police,
PEW Police Station,
Cheyyar,
Tiruvannamalai District.
Crime No.441 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in connection with the case in Cr.No.441 of 2021 pending investigation on the file of the respondent Police.

For Petitioners: Mr.Amar D Pandiya

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

ORDER

The petitioners, who were arrested on 18.05.2021 and remanded to judicial custody for the offences under Sections 4(1)(aaa) read with 4(1-A) of TNP Act and Section 6 and 7 of R.S. Rules 2000 in Cr.No.441 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were in illegal possession of 35 litres cane of 25 canes liquor and the same was seized by the respondent Police and registered a complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 18.05.2021. Therefore, he prays to grant bail to the petitioners. However, the petitioner, on their own volition, are ready and willing to contribute a sum of Rs.25,000/- for the purpose of improving and maintaining the Government Schools.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners were in illegal possession of liquor and there is one previous case pending against A1 & A2 and there is no previous case pending against A3.

5. Considering the facts and circumstances of the case and also there is previous case pending against the petitioners 1 & 2, this court is not inclined to grant bail to them. Considering the period of incarceration suffered by the 3rd petitioner and there is no previous case pending against him, this Court is inclined to grant bail to the 3rd petitioner subject to the following conditions:

(a) the 3rd petitioner shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Chief Educational Officer, Tiruvannamalai District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to his 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;

(b) the 3rd petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Vellore, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(c) Within a period of four weeks after the release, the 3rd petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vandavasi;

(d) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(e) 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;

(f) the 3rd petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(g)the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial;

(h)the 3rd petitioner shall not abscond either during investigation or trial;

(i)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;

(j)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 insofar as the 3rd petitioner is concerned. This Criminal Original Petition is dismissed as against the petitioners 1 and 2 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/-
07/07/2021

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE SUB-INSPECTOR OF POLICE,
P.E.W. POLICE STATION,
CHEYYAR, TIRUVANNAMALAI DISTRICT.

WEB COPY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

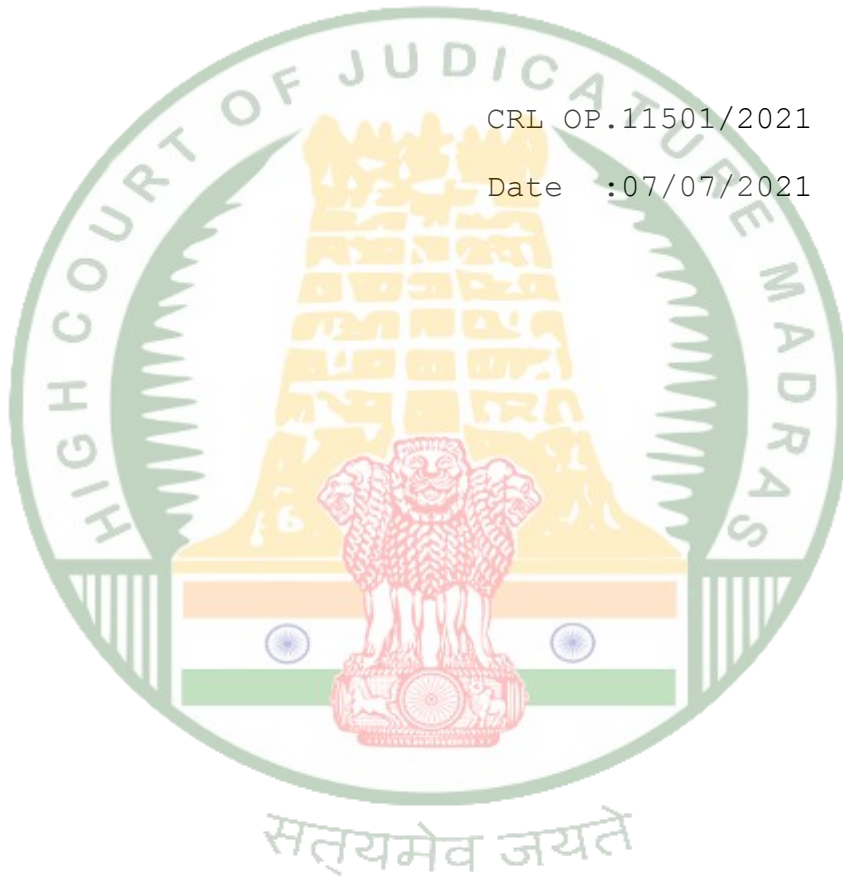
6 THE CHEIF EDUCATIONAL OFFICER,
TIRUVANNAMALAI DISTRICT.

CC to M/S.AMAR D PANDIYA Advocate on payment of necessary charges

CRL OP.11501/2021

Date :07/07/2021

MN-08/07/2021



WEB COPY