



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11674 of 2021

1.V.Periyasamy
2.A.Elango

... Petitioners

Vs.

State Rep.by
The Inspector of Police,
Yercaud Police Station,
Yercaud, Salem-636 601.
Crime No.155 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioners in the event of their arrest in Cr.No.155 of 2021 pending investigation on the file of the respondent Police.

For Petitioners: Mr.V.Ramanareddy

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

ORDER

(The Case has been heard through Video Conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 4(1) (g) of the Tamil Nadu Prohibition Act, 1937 in Cr.No.155 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were illegally prepared the fermentation wash 1100 liters to prepare illicit country liquor and the same was seized by the respondent police. Hence, the law enforcing agency registered a case against the petitioners.

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 each of the petitioner are having one previous case.

5.Considering facts and circumstances of the case, 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-II, Salem, on condition that the petitioners shall execute separate 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)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, Salem 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 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.

7. In the result, this Criminal Original Petition is ordered and this Court directs the Chief Educational Officer to submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Government Schools in the District before the Director of School Education for the purpose of verification once in three months.

-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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
YERCAUD POLICE STATION,
YERCAUD, SALEM - 636 601.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATION OFFICER,
SALEM DISTRICT

CC to M/S.V.RAMANAREDDY Advocate on payment of necessary charges Sr.7177

CRL OP.11674/2021

Date :07/07/2021

RVR 16/07/2021