



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11666 of 2021

Madhavan @ Rajesh

... Petitioner/3rd Accused

Vs.

State Rep.by
The Inspector of Police,
Prohibition Enforcement Wing,
Nagapattinam,
Nagapattinam District.
(Cr.No.957 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of her arrest in Crime No.957 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Jawahar

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

ORDER

(The Case has been heard through Video Conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1) (aaa) r/w 4(1-a) of TNP (Transport) Act & Section 4 & 5 of Tamil Nadu rectified spirit rules, in Crime No.957 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in possession of 110 litres of ID arrack and 30 liters of rectified spirit and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, are ready and willing to contribute a sum of Rs.2,00,000/- for the purpose of constructing toilet in Government Girls Higher Secondary School, Mailaduthurai. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submitted that there are twelve previous cases pending against the petitioner.

5.Considering facts and circumstances of the case, I am 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.I, Nagapattinam, 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)if the petitioner failed 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 petitioner shall make a non-refundable deposit of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of the Chief Educational Officer, Nagapattinam District, for construction of Toilet in Government Girls Higher Secondary School, Mailaduthurai, 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 petitioner;

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

(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.



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 construction of toilet of the Girls 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 MAGISTRAT NO.I,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
NAGAPATTINAM, NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER,
MAILADUTHURAI, NAGAPATTINAM DISTRICT.

CC to M/S.J.JAWAHAR Advocate on payment of necessary charges

CRL OP.11666/2021

Date :07/07/2021

CSK 22/07/2021