



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11700 of 2021

1. Rajkumar @ Rajakumar
2. Elayaraja

...Petitioners

Versus

State rep by
The Inspector of Police,
Muthupettai Police Station,
Thiruvavarur District.
(Crime No.760 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 their arrest in connection with the Crime No.760 of 2021 on the file of the respondent.

For Petitioners : Mr.M.Vijayaragavan

For Respondent : Mr.C.E.Pratab
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(aa), 4(1)(g) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937 in Crime No.760 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 7 liters of illicit liquor and 70 lites of Soak illegally. Hence, the complaint.

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.25,000/- for the purpose of improving and maintaining the Government Schools.



4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering facts and circumstances of the case and there is no previous case, 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, Thiruthuraipoondi, on condition that the petitioners shall execute a 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 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 petitioners shall make a non-refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Chief Educational Officer, Thiruvarur 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 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 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/-
08/07/2021

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,
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER
THIRUVARUR DISTRICT.

CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges SR.NO. 7187

CRL OP.11700/2021

Date :08/07/2021

RW 14/07/2021