



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11952 of 2021

WEB COPY

Bakkiyaraj @ Bakiyaraj

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.
Crime No.90 of 2021.

... Respondent

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 his arrest for the alleged offences U/s. 4(1)(a) and 4 (1-A) of TN Prohibition Act in Crime No.90 of 2021 on the file of the respondent police, pending investigation.

For Petitioner : Mr.M.I.Javid Akbar

For Respondent : Mr.C.E.Pratap
Government Advocate (Cr1 side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(1) (a) and 4(1-A) of TN Prohibition Act, in Cr.No.90 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had found a sack bag with 17 express number of Brandi bottles each size of 180 ml and in which 2 bottles caps were open and on physical examination the respondent police had found the alcohol is bad and poisonous. Hence the law enforcing agency registered a complaint against the petitioner.

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.20,000/- for the purpose of improving and maintaining the Government Schools.



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

5.Considering facts and circumstances of the case and the submissions made by either side, 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.II, Judicial Magistrate Chidambaram, 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.20,000/- (Rupees Twenty Thousand only) to the credit of the Chief Educational Officer, Cuddalore 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 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 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/-
12/07/2021

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,
CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KUMARATCHI POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER,
CUDDALORE DISTRICT

+1CC to M/S.M.I.JAVID AKBAR Advocate on payment of necessary charges SR NO.32636(F)

CRL OP.11952/2021

Date :12/07/2021

MK:23/07/2021