



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12670 of 2021

WEB COPY

Victor @ Madhaiyan

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Jolarpet Police Station,
Tirupatture.
Crime No.122 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.122 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.I.Periaswamy

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

ORDER

The petitioner, who was arrested on 16.05.2021 and remanded to judicial custody for the offences under Sections 4(1)(i), 4(1)(aaa), 4(1-A)(ii) of Tamil Nadu Prohibition Act read with Section 328 of IPC in Cr.No.122 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 120 litres of illicit arrack and the same was seized by the respondent Police and registered a complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 16.05.2021. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.1,00,000/- for the purpose of improving and maintaining the Government Schools. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the petitioner was found in possession of 120 litrs of illicit arrack and there are six previous cases pending as against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Tirupattur, and on further condition that:

(b) the petitioner shall make a non refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Chief Educational Officer, Tirupattur District for the rehabilitation and improvement of the basic needs of the Government Higher Secondary School 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;

(c) 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;

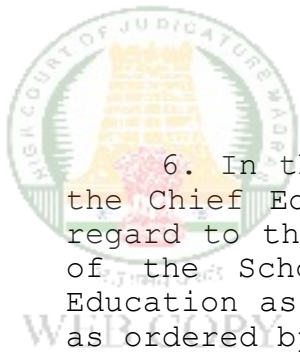
(d) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders;

(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 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.



6. 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/-

23/07/2021

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.I, TIRUPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
TIRUPTURE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

6 THE CHIEF EDUCATION OFFICER,
TIRUPATTUR DISTRICT.

CC to M/S.I.PERIASWAMY Advocate on payment of necessary charges

CRL OP.12670/2021

Date :23/07/2021

RVR 26/07/2021