



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14144 of 2021

SHANKER

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
PEW-VANIYAMBADI POLICE STATION,
TIRUPPATHUR DISTRICT
(CRIME NO.370/2018)

[RESPONDENT]

For Petitioner : M/S R.PARTHIBAN Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act r/w Section 7 of Tamilnadu Rectified Spirit Rules Act in Crime No.370 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police was on regular checkup, they found that the petitioner was in possession of 180 ml of jet brandy brand printed empty bottles and 35 liters of spirit. Hence, the case was registered against the petitioner on the complaint made by the defacto complainant.

3.The learned counsel appearing for the petitioner submits 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 he further submits that without prejudice to his defence and contentions, the petitioner on his own volition is willing to contribute a sum of Rs.25,000/-for the purpose of improving and maintaining the Government Schools. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) opposed the grant of anticipatory bail by stating that the petitioner in possession of 180 ml of jet brandy brand printed empty bottles and 35 liters of spirit. . He further submits that the there was no previous cases pending against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering facts and circumstances of the case and the petitioner is ready and willing to contribute a sum of Rs.25,000/-for the purpose of improving and maintaining the Government Schools , this Court is 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 Court, Vaniyambadi, 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.25,000/- (Rupees seventy five Thousand only) to the credit of the Chief Educational Officer, Thiruppathur 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 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 utilizing the money as ordered by this Court.

-sd/-

12/08/2021

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, VANIYAMBADI

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
PEW-VANIYAMBADI POLICE STATION,
TIRUPPATHUR DISTRICT

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE CHIEF EDUCATION OFFICER, THIRUPPATHUR DISTRICT.

CC to M/S R.PARTHIBAN Advocate on payment of necessary charges
Sr.8641

CRL OP.14144/2021

Date : 12/08/2021

RVR 23/08/2021