



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14816 of 2021

1 JAINUL WASHIM
2 SEYED MASTHAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE (PEW),
NAGAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.
CR NO.1289/2021.

[RESPONDENT]

For Petitioner : M/S.C.T.SARAVANAN Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act and Transport and 420, 482 and 483 of IPC in Crime No.1289 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioners along with other accused have indulged in illegal transportation of 2544 (180ml) bottles of Pondy Brandy . Hence the complaint.

3.The learned counsel appearing for the petitioner submits 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 he further submits that **without prejudice to their defence and contentions, the petitioners on their own volition, are 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 petitioners.

4. The learned Government Advocate (Crl.Side) opposed for granting of anticipatory bail by stating that the petitioners along with other accused have indulged in illegal transportation of 2544 (180ml) bottles of Pondy Brandy.

5. Taking into consideration the submissions advanced on behalf of the petitioners and also the fact that the petitioners have willfully and on their own volition agreed to pay contribute a sum of **Rs.25,000/-** for charitable purpose, 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 No.II, Nagapattinam** on condition that each of the petitioners shall execute a separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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/-** to the credit of " **The Chief Educational Officer, Nagapattinam District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioners ;**

(c) the petitioners and 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., for a period of two weeks and thereafter as and when required.**

(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.

6. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done 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/-
24/08/2021

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,
NO.II, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (PEW),
NAGAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,
NAGAPATTINAM DISTRICT.

+1 CC to M/S.C.T.SARAVANAN Advocate on payment of necessary charges SR.NO.9040

CRL OP.14816/2021

Date :24/08/2021