



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

Tuesday, the Fourteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16779 of 2021

1 C.MURUGAN [PETITIONER / ACCUSED]
2 P.MADHESWARAN
3 R.ELANGO @ ELANGOVAN
4 KANNAN @ MAYAKANNAN
5 NAGARAJAN
6 P.GANESAN

Vs

THE STATE OF TAMILNADU REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KONDALAMPATTI PS,
SALEM.
CR.NO.507 OF 2021.

For Petitioner : M/S.K.S.KARTHIK RAJA Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 4(1)(a), 4(1)(k) & 4(1-A) in Cr.No.507 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners were selling liquor. When the respondent police came for inspection, the petitioners escaped from them and the liquor bottles were seized by the respondent police. Hence the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of Anticipatory Bail. However, on instructions, he further submitted that the petitioners, without prejudice to their



rights, are ready to deposit a sum of Rs.25,000/- to the credit of the Chief Educational Officer, Salem District.

4. The learned Additional Public Prosecutor submitted that the investigation is pending in this case. He further submitted that the petitioners were selling 45 bottles of Liquor each containing 180 ml and on seeing respondent police, they were escaped from them. Hence he strongly opposed to grant Anticipatory Bail to the petitioners.

5. Considering the facts and circumstances of the case and on the submission made by the counsel for the petitioners that on their own volition, without prejudice to their rights, they are ready to deposit a sum of Rs.25,000/- to the credit of the Chief Educational Officer concerned, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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-V, Salem, on condition that the petitioners shall execute a bond 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 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;

(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, Salem 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) 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/-

14/09/2021

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.V, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KONDALAMPATTI POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE CHIEF EDUCATIONAL OFFICER
SALEM DISTRICT.

+1 CC to M/S.K.S.KARTHIK RAJA Advocate on payment of necessary
charges SR.No.10049

CRL OP.16779/2021

Date :14/09/2021

APN 23/09/2021