



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19180 of 2021

1 PERIYASAMY [PETITIONERS / ACCUSED]
2 MUNUSAMY
3 BALU

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT.
(CRIME NO.1227/2021)

For Petitioner : M/S K.SASINDRAN Advocate

For Respondent : MR.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 apprehends arrest for the alleged offence under Sections 4(1)(aaa) & 4(1-A) of Tamil Nadu Prohibition of Act, 2006 in Cr.No.1227 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 1,920 brandy bottles, each containing 180ml and 10 litres of ID arrack and the same was seized by the respondent police.

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. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.25,000/- for the purpose of improving and maintaining the Government Schools.

4.The learned Government Advocate (Crl.Side) submitted that the petitioners were found in illegal possession of 1,920 brandy bottles, each containing 180ml and 10 litres of ID arrack.



5. Considering facts and circumstances of the case and submissions made by both the counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 I, Kallakurichi**, on condition that the petitioners shall execute separate 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 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/- (Rupees Twenty Five Thousand only)** to the credit of the Chief Educational Officer, Kallakurichi 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 petitioners;

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

(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 petitioner 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.

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 Commissioner of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
08/10/2021

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, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,
KALLAKURICHI DISTRICT.

+1 CC to M/S K.SASINDRAN Advocate on payment of necessary charges SR.NO.1128

CRL OP.19180/2021

Date :08/10/2021

TA-26/10/2021