



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19415 of 2021

Sathiyaraj

... Petitioner

Vs.

State by:-

The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.

Crime No.246 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of CR.P.C., to enlarge the petitioner on bail in Crime No.246 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.L.Baskaran,
Government Advocate (Crl. side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 03.10.2021 for the offences under Section 4(1)(a) r/w 4(1-A) of TNP Act in Crime No.246 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.10.2021 when the respondent police and his subordinates were in routine vehicle check up at Gurubarapalli to Mniyandapalli Road near at Old EB Office, while at the time one Bajaj CT 100 ES two wheeler bearing Registration No.TN-24-AS-3468 came in an opposite direction and the respondent police stopped the vehicle and made search and found 1] 2 bottles of Old Admiral VSOP Brandy (each bottle containing 1 liter) 2] 75 Nos. packets of Silver Cup Brandy (each packet containing 90 ml.) 3] 75 Nos. packets of Legacy XXX Rum (each packet containing 90 ml.) totally he was in possession of 15 1/2 liters of liquor and they seized the contraband and taken the petitioner into the police station. Hence the 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 03.10.2021. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- 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) appearing for the respondent submits that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Krishnagiri and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Chief Educational Officer, Krishnagiri 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;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate No.II, Krishnagiri may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(c) the petitioners shall co-operate with the pending investigation and report before the respondent Police, daily at 10.00 a.m., until further orders.

(d) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;



(e) the petitioner 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 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;

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

-sd/-
12/10/2021

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.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE INSPECTOR OF POLICE,
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

6 THE CHIEF EDUCATIONAL OFFICER,
KRISHNAGIRI DISTRICT.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.NO.11378

CRL OP.19415/2021

Date :12/10/2021

RW 13/10/2021