



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.19406 of 2021

Palraj

... Petitioner

Vs.

State by:-

The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
Crime No.333 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of CR.P.C., to grant bail to the petitioner pending investigation in Crime No.333 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

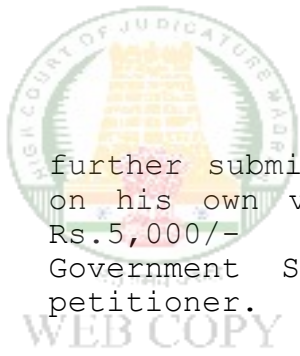
For Respondent : Mr.L.Baskaran,
Government Advocate (Crl. side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 30.09.2021 for the offences under Section 4(1)(a) r/w 4(1-A) of TNP Act in Crime No.333 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.09.2021 when the respondent police were on their regular patrol duty, at the time they interpreted and stopped Splender plus two wheeler bike bearing Reg No. TN32 BA7299 and founded that the petitioner was transported 180 bottles (90 brandy bottles) (180 ml) and 90 brandy bottles (90 ml) have carried in his two wheeler bike. 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 30.09.2021. 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, Pochampalli 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, Pochampalli 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,
POCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE OFFICER INCHARGE,
SUB-JAIL, KRISHNAGIRI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE CHIEF EDUCATIONAL OFFICER,
KALLAKURICHI DISTRICT.

+1 CC to M/S.M.JAYACHANDRAN
charges SR.NO.11440

Advocate on payment of necessary

CRL OP.19406/2021

Date :12/10/2021

JPA 13/10/2021