



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.19507 of 2021

Sundar

... Petitioner

Vs.

State by:-

... Respondent

The Inspector of Police,
Prohibition of Enforcement Wing,
Nannilam Police Station,
Tiruvarur District.
Crime No.719 of 2021.

PRAYER: Criminal Original Petition has been filed under Section 439 of CR.P.C., to enlarge the petitioner on bail pending investigation in Crime No.719 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

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

ORDER

The petitioner who was arrested on 29.09.2021 for the offences under Section 4(1)(a) and 4(1-A) of TNP Act in Crime No.719 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent on their routine raid found the petitioner in possession of 5 Litres of Pandy Arrack kept in 10 litres cane. 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 29.09.2021. 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:

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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, Nannilam** 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, Thiruvarur 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, Nannilam 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,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PROHIBITION OF ENFORCEMENT WING,
NANNILAM POLICE STATION,
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, NANNILAM.

6 THE CHIEF EDUCATIONAL OFFICER
THIRUVARUR DISTRICT.

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.19507/2021

Date :12/10/2021

TA-13/10/2021