



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of February Two Thousand Twenty Two

PRESENT

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4591 of 2022

VENKATESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PEW MAYILADUTHURAI POLICE STATION,
NAGAPATTINAM DISTRICT.
(CRIME NO.876 OF 2019)

[RESPONDENT]

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1) (aaa), 4(1-A) of TNP Act (Transporting) in Crime No.876 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.11.2019, the respondent police found the petitioner illegally transported 500 liters of ID Arrack in a tractor without valid license. Hence, the law enforcing agency registered a case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has 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 to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the property which was used for commission of offence in the alleged occurrence has been recovered and the same is in the custody of the police. However, he opposed for grant of anticipatory bail to the petitioner.



5. Submissions made by the counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 4(1)(aaa), 4(1-A) of TNP Act (Transporting). Being the reason the property which was used in the commission of offence as well as the property which was transported was already been recovered, custodial interrogation of the petitioner may not be necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif Cum Judicial Magistrate, Tharangampadi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioner 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 petitioner shall make a non-refundable deposit of Rs.20,000/- to the credit of "The Chief Educational Officer, Nagapattinam District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

(c) the petitioner and 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 petitioner shall report before the respondent police daily at 10.00 a.m., for the period of 30 days and thereafter as and when required for interrogation.

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner 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 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;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. 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/-
25/02/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THARANGAMPADI, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PEW MAYILADUTHURAI POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE CHIEF EDUCATIONAL OFFICER,
NAGAPATTINAM DISTRICT.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.No.3002

CRL OP.4591/2022

Date :25/02/2022

CSK 03/03/2022