



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14234 of 2022

RAJA @ RAJASEKAR @ ANDIYARPALAYAM RAJA [PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PEW MADURANTHAKAM POLICE STATION,
CHENGALPATTU DISTRICT
CRIME NO.433/2022

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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 alleged offences under Sections 4(1)(aaa), 4(1-A), 7(a) of T.N.P. Act, 1937 r/w Sections 7 and 11 of Tamil Nadu Rectified Sprit Rules 2000, in Crime No.433 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused were found in illegal possession of 27000 litres of ID Arrack. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement of the co-accused. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner and other accused were found in possession of 27000 litres of ID Arrack. He would also submit that the petitioner is a habitual offender and he is having 14 previous cases against him. Further he had produced the case details. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Whereas the learned counsel for the petitioner would submit that in the present case, there are totally 8 accused in which the petitioner was not found in place in the FIR. Only on the confession statement of the co-accused, he has been falsely implicated in this case. Insofar as other previous cases are concerned, the petitioner was not directly involved in any cases. Only on the confession statement of co-accused, he has been implicated as an accused in all the cases and he has been granted anticipatory bail since the cases are put up cases as against the petitioner. Insofar as the present case is concerned, other petitioners were arrested and detained under Goondas. Only on the confession statement from the other accused, the petitioner has been falsely implicated as an accused.

6. It is also seen from the records that the petitioner was granted anticipatory bail in other cases. Though this Court has a rule that when a person involved in 3 previous cases is not eligible for anticipatory bail, the case on hand as stated supra, in all the cases the petitioner was implicated as an accused on the confession statement of other accused. In fact, he was also granted anticipatory bail in other cases.

7. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 on which the order copy made ready, before the learned Judicial Magistrate, Maduranthakam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000 /- (Rupees Ten Thousand only) with two blood related 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



[b] the petitioner shall report before the respondent police daily Morning at 10.30 a.m and Evening 05.00 p.m, until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

21/06/2022

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 JUDICIAL MAGISTRATE,
MADURANTHAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PEW MADURANTHAKAM POLICE STATION,
CHENGALPATTU DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO. 9667

CRL OP.14234/2022

Date :21/06/2022

RW-23/06/2022