



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14361 of 2022

1 RAJA @ RAJASEKAR @ ANDIYARPALAYAM RAJA [PETITIONERS / ACCUSED]
2 BALACHANDHAR

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PEW VILLUPURAM POLICE STATION,
VILLUPURAM DISTRICT.
(CRIME NO.400/2022)

For Petitioner : M/S R.SASIKUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

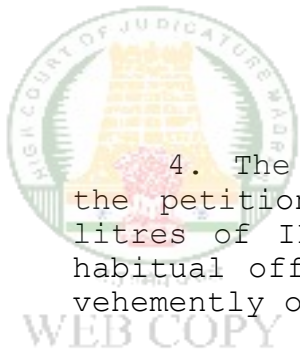
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent Police for the alleged offences under Sections 4(1) (aaa) of TN Prohibition Act r/w Section 7 of TNRS Rules 2000, in Crime No.400 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and other accused were found in illegal possession of 60 litres of ID Arrack. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have 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 petitioners.



4. The learned Additional Public Prosecutor would submit that the petitioners and other accused were found in possession of 60 litres of ID Arrack. He would also submit that the petitioners are habitual offenders having 11 previous cases against them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Whereas the learned counsel for the petitioners would submit that in the present case, there are totally 4 accused. Only on the confession statement of the co-accused, they have been falsely implicated in this case. Insofar as other previous cases are concerned, the petitioners were not directly involved in any cases. Only on the confession statement of co-accused, they have been implicated as an accused in all the cases and they have been granted anticipatory bail since the cases are put up cases as against the petitioners.

6. It is also seen from the records that the petitioners were 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 petitioners were implicated as an accused on the confession statement of other accused. In fact, they were 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 petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Villupuram, on condition that each of the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police daily Morning at 10.30 a.m and Evening 05.00 p.m, until further orders.



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
22/06/2022

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,
NO.I, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW VILLUPURAM POLICE STATION,
VILLUPURAM DISTRICT

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary charges SR.NO.9704

CRL OP.14361/2022

Date :22/06/2022

TA-28/06/2022