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Crl.O.P.Nos.21565 & 21569 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Raja @ Rajasekaran, who was arrested and remanded to judicial custody on 30.06.2023 and 04.07.2023, for the offences punishable under Sections 4(1-A), 4(1)(aaa), 4(1)(i) of Tamil Nadu Prohibition Act and Section 6 and 7 of Tamil Nadu Rectified Spirit Rules 2000 and Section 4(1)(aaa), 4(1)(A) of TNP Act read with Section 5 and 7 of RS Rules Act respectively in Crime No. 38 of 2021, and 293 of 2018 respectively on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is implicated on the basis of confessional statement of the co-accused in all these cases. However, there is no material so far collected by the respondent police to substantiate their contentions that, petitioner is illegally manufacturing arrack in Puducherry. Petitioner is in judicial custody from 30.06.2023 and 04.07.2023 in Crime No. 38 of 2021, and 293 of 2018 respectively. In such circumstances, learned counsel for the petitioner prays to release the petitioner on bail.



Crl.O.P.Nos.21565 & 21569of 2023

3. In response, learned Additional Public Prosecutor opposed these petitions, on the ground that, though the petitioner is implicated on the basis of the confessional statement of the co-accused, petitioner is the resident of Union Territory of Pondicherry. He got licence for running wine shop and two arrack shops. He owns 10 tanker lorries and use them to procure spirit from North Indian states. Using the rectified spirit, he manufactures arrack illegally in his factory in Pondicherry. Pondicherry Government has not taken any action against the petitioner sofar. The illegally manufactured arrack is supplied to various persons, who in-turn sells it in the State of Tamil Nadu. Sofar, 26 cases have been registered against him in the State of Tamil Nadu by various Police Stations. The details of the cases are as follows:

Villupuram District

<i>S.No.</i>	<i>Name of the PS</i>	<i>Crime No.</i>	<i>U/s.</i>	<i>Stage</i>
1	Villupuram PEW	400/2022	4(1)(aaa) TNP Act and 7 of RS Rules	NTF
2	Villupuram PEW	469/2020	4(1)(aaa), 4(1-A) TNP Act and 5, 6, 7 of RS Rules @ 4(1)(aaa), 4(1-A) TNP Act	PT
3	Villupuram PEW	268/2021	4(1)(a), 4(1-A) TNP Act	UI



CrI.O.P.Nos.21565 & 21569of 2023

S.No.	Name of the PS	Crime No.	U/s.	Stage
4	Villupuram PEW	916/2018	4(1)(aaa), 4(1-A) TNP Act and 5, 6, 7 of RS Rules	NTF
5	Villupuram PEW	682/2016	4(1)(aaa), 4(1-A) TNP Act @ 4(1)(aaa) TNP Act	PT
6	Villupuram PEW	420/2016	4(1)(aaa), 4(1-A) TNP Act	NTF
7	Villupuram PEW	694/2016	4(1)(aaa) TNP Act	PT
8	Villupuram PEW	773/2018	4(1)(aaa), 4(1-A) TNP Act	UI
9	Villupuram PEW	908/2018	4(1)(aaa), 4(1-A) TNP Act and 5, 6, 7 of RS Rules	PT
10	Villupuram PEW	919/2018	4(1)(aaa), 4(1-A) TNP Act and 5, 6, 7 of RS Rules	PT
11	Villupuram PEW	633/2018	4(1)(aaa), 4(1-A) TNP Act	PT
12	Villupuram PEW	295/2018	4(1)(aaa), 4(1-A) TNP Act and 5, 6, 7 of RS Rules	NTF
13	Villupuram PEW	308/2016	4(1)(aaa), 4(1-A) TNP Act	PT
14	Tindivanam PEW	238/2021	4(1)(aaa), 4(1-A) TNP Act and 7 & 11 of RS Rules	NTF
15	Valavanur PS	615/2018	4(1)(aaa), 4(1-A) TNP Act and 279 IPC	UI
16	Valavanur PS	188/2019	4(1)(aaa), 4(1-A)	UI



Crl.O.P.Nos.21565 & 21569 of 2023

S.No.	Name of the PS	Crime No.	U/s.	Stage
			TNP Act	
17	Valathy PS	244/2021	4(1)(aaa), 4(1-A) TNP Act and 5, 7 & 11 of RS Rules & 328, 120-B, 468 IPC	UI
18	Kotakupam PS	214/2017	4(1)(aaa), 4(1-A) TNP Act and 3, 7 & 11 of RS Rules	PT

KALLAKURICHI DISTRICT

S.No.	Name of the PS	Cr.No.	U/s.	Stage
1	Ulundurpet PEW	293/2018	4(1)(aaa), 4(1-A) TNP Act and 6, 7 & 11 of RS Rules	PT
2	Ulundurpet PEW	505/2018	4(1)(aaa), 4(1-A) TNP Act and 5, 6, 7 & 11 of RS Rules	NTF
3	Thirukoilur PEW	571/2018	4(1)(aaa), 4(1-A) TNP Act and 6, 7 & 11 of RS Rules	NTF
4	Kallakurichi PEW	38/2021	4(1)(aaa), 4(1-A) TNP Act and 6 & 11 of RS Rules	UI
5	Kallakurichi PEW	39/2021	4(1)(aaa), 4(1-A) TNP Act and 6 & 11 of RS Rules	UI
6	Kallakurichi PEW	409/2021	4(1)(aaa), 4(1-A) TNP Act and 6 & 11 of RS Rules	PT

CHENGALPATTU DISTRICT



Crl.O.P.Nos.21565 & 21569 of 2023

S.No.	Name of the PS	Cr.No.	U/s.	Stage
1	Madhuranthagam PS	433/2022	4(1)(aaa), 4(1-A) TNP Act and 7 & 11 of RS Rules & 7 of TNP Act (Transport)	PT (NBW)
2	Madhuranthagam PS	382/2023	229 (A)IPC	UI

He further submitted that, petitioner obtained anticipatory bail in the following cases and subsequently not surrendered before the Jurisdictional Court.

Sl.No.	Crime Number and Section of Law	Crl.O.P.Number	Stage
1	Villupuram PEW Cr.No.268/2021 u/s 4 (1)(a)	11487/23 dt:24.05.2023 23691/22 dt:14.10.2022	UI
2	Kallakurichi PEW Cr.No.38/2021 u/s 4(1) (aaa), 4(1-A) TNP act and 6 & 7 of RS Rules	11657/2022 dt:19.05.2022	UI
3	Kallakurichi PEW Cr.No.39/2021 u/s 4 (1)(i), 4(1)(aaa), 4 (1-A) TNP act and 6 & 7 of RS Rules.	11862/2022 dt:19.05.2022	UI
4	Villupuram PEW Cr.No.400/2022 u/s 4 (1) (aa) 7 RS Rules 2000	14361/2022 dt: 14.11.2022	UI
5	Ulundurpet PEW Cr.No.293/2018 u/s 4 (1)(aaa), 4 (1-A) TNP act and 6 & 7 (a) of RS Rules	11921/2022 dt:19.05.2022	PT

In the following cases, petitioner has not obeyed the bail conditions



Crl.O.P.Nos.21565 & 21569 of 2023

imposed by the Court while granting anticipatory bail.

<i>Sl.No.</i>	<i>Crime Number and Section of Law</i>	<i>Crl.OP Number</i>	<i>Stage</i>
1	Villupuram PEW Cr.No.268/2021 u/s. 4 (1)(a)	11487/2023 dt:24.05.2023 23691/2022 dt:14.10.2022	UI
2	Kallakurichi PEW Cr.No.38/2021 u/s.4 (1)(aaa), 4 (1-A) TNP act and 6 & 7 of RS Rules	11657/2022 dt:19.05.2022	UI
3	Kallakurichi PEW Cr.No.39/2021 u/s.4 (1)(i), 4 (1) (aaa), 4(1- A) TNP act and 6 & 7 of RS Rules	11862/2022 dt:19.05.2022	UI
4	Villupuram PEW Cr.No.400/2022 u/s 4 (1)(aa)7 RS Rules 2000	14361 /2022 dt: 14.11.2022	UI
5	Ulundurpet PEW Cr.No.293/2018 u/s 4 (1)(aaa), 4 (1-A) TNP act and 6 & 7 (a) of RS Rules	11921/2022 dt: 19.05.2022	PT
6	Ulundurpet PEW Cr.No.505/2018 u/s.4(1)(aa), 4 (1-A) TNP act and 5, 6, 7 & 11 of RS Rules	11678/2022 dt:19.05.2022	NTF
7	Madhurandhagam PEW Cr.No.433/2022 u/s 4(1)(aaa), 4 (1-A) TNP act and 6 & 7 (a) RS Rules	14757/2022 dt:	PT



CrI.O.P.Nos.21565 & 21569of 2023

WEB COPY

In the following cases final reports have been filed and cases are pending for trial.

<i>Sl.No.</i>	<i>Crime Number and Section of Law</i>	<i>Stage</i>	<i>Reason</i>
1	Villupuram PEW Cr. No. 469/2020 u/s. 4(1)(aaa), 4(1-A) and 5,6,7 of RS Rules @ 4(1) (aaa), 4(1-A) TNP Act	PT	The case stands posted to 25.08.2023 for accused appearance.
2	Villupuram PEW Cr. No. 682/2016 u/s. 4(1)(aaa), 4(1-A), 4(1-A) TNP Act	PT	The case stands posted to 18.08.2023 for I.O. Examination.
3	Villupuram PEW Cr. No. 694/2016 u/s. 4(1)(aaa) TNP Act	PT	The case stands posted to 25.08.2023 for for A2 F/s. (Boopalan)
4	Villupuram PEW Cr. No. 908/2018 u/s. 4(1)(aaa), 4(1-A) and 5,6,7 of RS Rules	PT	The case stands posted to 18.08.2023 for I.O. Examination.
5	Villupuram PEW Cr. No. 919/2018 u/s. 4(1)(aaa), 4(1-A) TNP Act and 5,6,7 of RS Rules	PT	The case stands posted to 18.08.2023 for I.O. Examination.
6	Villupuram PEW Cr. No. 633/2018 u/s. 4(1)(aaa), 4(1-A) TNP Act	PT	The case stands posted to 03.08.2023 for accused appearance.
7	Villupuram PEW Cr. No. 308/2016 u/s. 4(1)(aaa), 4(1-A) TNP	PT	The case stands posted to 25.08.2023 for witness



Crl.O.P.Nos.21565 & 21569 of 2023

Sl.No.	Crime Number and Section of Law	Stage	Reason
	Act		examination.
8	Kallakurichi PEW Cr. No. 409/2021 4(1)(aaa), 4(1-A) and 6&11 of RS Rules	PT	The case stands posted to 18.08.2023 for questioning.
9	Ulundurpet PEW Cr. No. 293/2018 u/s. 4(1)(aaa), 4(1-A) TNP Act and 6 & 7(a) of RS Rules	PT	The case stands posted to 28.08.2023 for accused appearance.
10	Madhurandhagam PEW Cr. No. 433/2022 u/s. 4(1)(aaa), 4(1-A) TNP Act and 6 & 7(a) of RS Rules	PT	The case stands posted to 25.08.2023 for accused appearance.

3.1. For, non-observing anticipatory bail conditions, the learned Judicial Magistrate-I, Kallakurichi had cancelled the anticipatory bail granted to the petitioner in Crl.O.P.No.11862 of 2022. This Court in Crl.O.P.No.15682 of 2023 filed by the petitioner seeking bail in Crime No.268 of 2021 dismissed the petition, for the reason that, there are series of cases pending against the petitioner because of the non co-operation of the petitioner in Court proceedings by repeatedly filing petition under Section 317 of Cr.P.C. He has also not complied the anticipatory bail conditions. In such circumstances, learned



Crl.O.P.Nos.21565 & 21569of 2023

Additional Public Prosecutor opposes grant of bail.

4. Considered the rival submissions and perused the records.

5. It is true that petitioner is implicated on the basis of the confessional statement of co-accused. The allegations against the petitioner is that, he is staying in Pondicherry and illegally manufacturing arrack and selling it in Tamil Nadu, through his men. In the said circumstances, this Court is of the view that, respondent police cannot rest with the confessional statement of the co-accused alone for implicating the petitioner. They must investigate into the alleged illegal manufacturing of arrack in Pondicherry.

6. This is the second bail petition filed by the petitioner. Earlier bail petition filed by the petitioner was dismissed on 18.08.2023 considering the facts and circumstances of the case that, petitioner has 27 cases registered against him and these cases are pending at various stages, that petitioner did not observe the bail condition and that investigations in these cases are not completed. There is no change of circumstances. Considering that the petitioner



Crl.O.P.Nos.21565 & 21569of 2023

is a habitual offender and there are multiple previous cases pending against the petitioner and the investigation in these cases are not completed, this Court is not inclined to grant bail to the petitioner for the reason that, if the petitioner is released on bail, there is a possibility that, he will indulge in committing similar offence.

7. Accordingly these Criminal Original Petitions are dismissed.

20.09.2023

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WEB COPY



CrI.O.P.Nos.21565 & 21569of 2023

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CrI.O.P.Nos.21565 & 21569 of 2023

20.09.2023
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