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*Crl O.P.No.5467 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.03.2025**

CORAM

**THE HONOURABLE MR JUSTICE SUNDER MOHAN**

**CRL OP NO. 5467 of 2025**

1. Raja
2. Karunanidhi @Karunanithi

Petitioners/A1 & A2

Vs

The State Rep by,  
The Inspector of Police,  
Kariyalur Police Station,  
Kallakurichi District.  
(Crime No.119 of 2024)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners/Accused on anticipatory bail in the event of arrest in Crime No. 119 of 2024 pending on the file of the respondent police.

**For Petitioners:**

Mr.V Gunasekar

**For Respondent:**

Mr.S.Santhosh

Government Advocate (Crl.Side)

### **ORDER**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(g), 4(1)(aa),4(1-A) of the TN Prohibition Act, in Crime No.119 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the petitioner, along with the other accused were found in possession of two lorry tubes containing 60 liters of ID Arrack and 7,500 liters of fermented wash without a valid licence. On seeing the police, they ran away from the spot and upon enquiry, it was found that the petitioners along with the other accused were involved in the said offence.

3. The learned counsel for the petitioners submitted that the earlier anticipatory bail application was dismissed *vide* order dated 20.12.2024, since the learned Government Advocate (Crl.Side) submitted that there are two previous cases as against the first and the second petitioners therein and the third petitioner was granted anticipatory bail as he had no bad antecedents.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners have no bad antecedents and it was erroneously informed that the first and the second petitioners therein had two previous cases.



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5. In view of the above said submissions, considering the nature of allegations, the co-accused was granted anticipatory bail and the petitioners have no bad antecedents and since custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

6. 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 of receipt of a copy of this order, before the **learned Judicial Magistrate, Sankarapuram**, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, 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.



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**[b] the petitioners shall report before the respondent police once in two weeks viz., on first and third Monday of every month at 10:30 a.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 petitioner 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

**20.03.2025**

**vca**



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To:

1. The Inspector of Police,  
Kariyalur Police Station,  
Kallakurichi District.
2. The Judicial Magistrate, Sankarapuram
3. The Public Prosecutor,  
Madras High Court.



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**SUNDER MOHAN, J.**

vca

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