



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fifth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.15018 and 14747 of 2015

M.MATHEWS

... PETITIONER/ACCUSED NO.7
IN CRL.OP (MD)NO.15018/2015

V.MUKUNDHAN @ NAZAR

... PETITIONER/ACCUSED RANK
NOT KNOWN IN CRL.OP (MD)NO.14747/2015

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING, TIRUMANGALAM,
MADURAI DISTRICT.

(IN CEIME NO. 101 OF 2015) ... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.C.MARIMUTHU Advocate in
Crl.OP (MD)No.15018/2015

M/S.B.PANDIARAJAN, Advocate in
Crl.OP ((MD)No.14747/2015

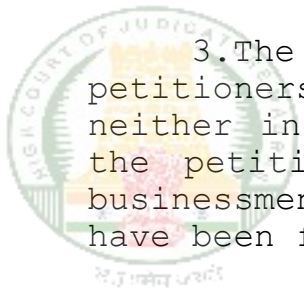
For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)
in both the Petitions

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A7 and A8 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 4(1)(aaa), 4(1-A) TNP Act and sections 120 (b), 465, 468, 471 of IPC r/w sections 6 and 7 TNRS Rules 2000 (Transport), in Crime No.101 of 2015 on the file of the respondent police and hence, seeks anticipatory bail respectively.

2. According to the prosecution, the accused have illegally transported rectified spirit containing the poisonous substance Atropine 5.8% in 18 white Plastic cans, about 630 litres on 29.01.2015 in a Maruthi ECCO model car.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and their names have not been found neither in the FIR, nor in the confession of the accused and that the petitioners are hailing from respectable family and reputed businessmen and A7 is doing hotel business at Bangalore and they have been falsely roped in this case.

4.The respondent has filed a detailed counter stating that the accused involved in this case, have used a car bearing registration No.TN-01-AL-8610 with fake number plate. The origination registration number of the car is KL-01-BC-256 and that on 29.01.2015, when the respondent police conducted vehicle check up, the accused were found in transportation of rectified spirit from the State of Tamil Nadu to Kerala illegally.

5.It is further stated that the accused in this case are also involved in Crime No.94 of 2015 on the file of the Inspector of Police, Prohibition Wing, Palani, for the similar offence and though they were granted anticipatory bail in that case, they did not furnish sureties and violated the earlier order of this court.

6.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the accused are habitual offenders and they were found in transportation of rectified spirit of 630 litres in a car and therefore, they are not entitled for anticipatory bail.

7.Considering the past antecedent of the petitioners and the allegations made against them, this court is not inclined to grant anticipatory bail to the petitioners. Hence, both the petitions are dismissed.

sd/-
05/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING, TIRUMANGALAM,
MADURAI DISTRICT.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
RL/3 C- 9/10/2015

ORDER
IN
CRL OP(MD) Nos.15018 and
14747 of 2015
Date :05/10/2015