



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

Thursday, the Third day of December Two Thousand Fifteen

PRESENT

THE HON`BLE MS.JUSTICE V.M.VELUMANI

CRL OP(MD) No.21429 of 2015

1 VINOTH @ VINOTHRAJ
2 JACOB
3 FRESLIN

... PETITIONERS/ ACCUSED NJO.2 TO 4

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
PALAVOOR POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.273/2015

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S K.P.NARAYANAKUMAR Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

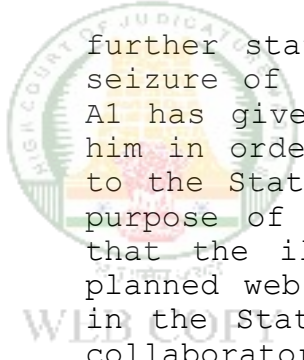
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2 to A4 in Crime No.273 of 2015 on the file of the respondent police apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 4(1) (aaa), 4(1)(A) of TNP Act r/w Section 7 of TNPRS Rules 2000 and hence, seek anticipatory bail.

2.The case of the prosecution is that on 17.10.2015 Village Administrative Officer on receiving information inspected the coconut garden belonging to one Iniko and he found 235 cans with 35 litres of spirit in each can. The owner Iniko of the coconut garden is in abroad and he leased out the property to A5, who is in possession of the property. A5 along with others kept the cans in the store room and therefore, case has been registered for offence under Section 4(1)(aaa), 4(1)(A) of TNP Act r/w Section 7 of TNPRS Rules 2000.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that A1 and A5 are alone involved the offence and the petitioners are not involved in offence and hence, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.side) filed a counter affidavit stating that A1 and A5 were arrested on 17.10.2015, A6 was arrested on 18.10.2015 and they were remanded to judicial custody. It is further stated that the total volume of seized rectified spirit contained 235 litres and the samples were taken and thereafter, the same were sent to the Regional Forensic Science Laboratory to detect and ascertain the percentage and kind of poison in the contraband. It is



further stated that according to the respondent, it is the largest ever seizure of rectified spirit in the current year in Tirunelveli District. A1 has given the confession statement that the petitioners were helping him in order to transport the rectified spirit from the State of Kerala to the State of Tamil Nadu and it was brought in large quantity for the purpose of selling during the Deepavali Festival. It is further stated that the illegal transportation of spirit smuggling is a meticulously planned web of antisocial elements found in the Kerala State as well as in the State of Tamil Nadu and the petitioners are involved as active collaborators of the smuggling of illegal rectified spirit and supply the same to the people not caring the consequence of the said consumption by the people. He further submitted that the petitioners are involved in previous case of similar nature. He further submitted that A1, A5 and A6 were arrested and their bail application was dismissed by the Sessions Court, Tirunelveli on 04.11.2015 and the investigation is premature stage and the custodial interrogation of the petitioners is necessary and strongly objected for granting of anticipatory bail to the petitioners.

6.Considering the seriousness and gravity of the offence alleged against the petitioners and quantity of contraband seized, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-
03/12/2015

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
PALAVOOR POLICE STATION, TIRUNELVELI DISTRICT

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S K.P.NARAYANAKUMAR Advocate SR.No.69595

ORDER
IN
CRL OP(MD) No.21429 of 2015
Date :03/12/2015

GJM/MP/PM/SAR-II-9.12.2015-2P-4C