



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1573 of 2018

R.THULASI

... PETITIONER / ACCUSED NOT RANKED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
P.E.W.POLICE STATION, THOOTHUKUDI DISTRICT.
(CR.NO.340/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SELVARAJ Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

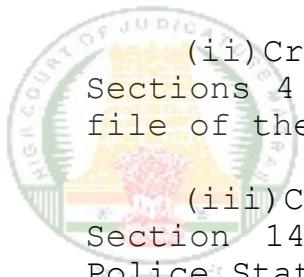
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 4(1) (aa), 4(1-A), 14(a) of Tamil Nadu Prohibition Act and Sections 465, 468 and 471 I.P.C., in Crime No.340 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported 496 bottles of Indian Made Foreign Liquor by affixing fake labels on the liquor bottles as if it is the original one. Hence, case has been registered against the petitioner and other accused for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the petitioner is having 4 previous cases as follows;

(i) Crime No.105 of 2013 for the offence punishable under Sections 4(1)(aaa), 14(A), 4(1-A) of TNP Act on the file of the Thuckalay Police Station;



(ii) Crime No.152 of 2013 for the offence punishable under Sections 4(1)(a), 4(1-A) TNP Act and Sections 468, 471 I.P.C on the file of the Iranian Police Station;

(iii) Crime No.338 of 2014 for the offence punishable under Section 14(A), 4(1-A) TNP Act on the file of the Kanniyakumari Police Station;

(iv) Crime No.7 of 2014 for the offence punishable under Sections 294(b), 353, 307 I.P.C r/w Section 25(1) Arms Act on the file of the Valliyoor Police Station;

He further submitted that the investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence the petitioner and other accused were possessed 496 bottles of Indian Made Foreign Liquors with bogus seal. However, as per submission made by the learned Government Advocate (Crl.Side) appearing for the State, it would reveal that the petitioner is having 4 previous cases in the similar type of offences, it shows that the petitioner is continuously committing the offence as like this nature. So, considering the previous antecedents of the petitioner, this Court came to the conclusion that if this type of accused released on bail, there will be chances to tamper the witness and hamper the investigation.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is not inclined to grant anticipatory bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
08/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
P.E.W.POLICE STATION, THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1573 of 2018
Date : 08/02/2018