



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

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1802 of 2018

MUTHU

... PETITIONER / ACCUSED RANK NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PROHIBITION ENFORCEMENT WING,
DINDIGUL, DINDIGUL DISTRICT.
(CRIME NO.7 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.ALAGUSUNDAR, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

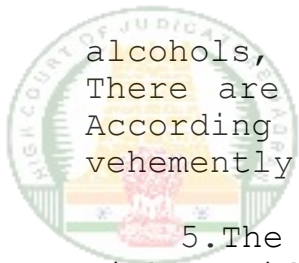
ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 11.01.2018 for the offence punishable under Sections 4(1) (aaa) and 4(1-A) of Tamilnadu Prohibition Act, in Crime No.7 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police was in duty at Chinnalapatti near Poonjolai, at that time, the respondent police found that the petitioner and other accused were found in possession of 5239 bottles of Indian Made Foreign Liquors, which are all having the seal of Karnataka and Pondicherry State. 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, he is no way connected with the offence. He further submitted that the petitioner is in judicial custody from 11.01.2018 onwards. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are 4 accused in this case. The petitioner herein is arrayed as A1. During the time of occurrence, the accused persons were possessed 5239 bottles of



alcohols, which belong to the State of Karnataka and Pondicherry. There are 5 previous cases are pending against the petitioner/A1. According to him, investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

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 found in possession of 5239 bottles of Indian Made Foreign Liquor, which are all having the seal of Karnataka and Pondicherry State. Now, the properties which were possessed by the petitioner and other accused had been recovered. However, as per submission made by the learned Government Advocate (Crl.Side) appearing for the State, it would reveal that the petitioner is having 5 previous cases, it shows that the petitioner is a habitual offender. 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 bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
06/02/2018

/ 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,
DINDIGUL, DINDIGUL DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1802 of 2018
Date : 06/02/2018

MS/RR-CSL/SAR.3/15.02.2018/2P.4C