



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.192 of 2018

MARIYAMMAL

... PETITIONER / 4th ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION,
THANJAVUR, THANJAVUR DISTRICT
(CRIME NO.443 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ILAYARAJA Advocate

For Respondent : M/S.S.BHARATHI Govt. Advocate (Crl. Side)

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

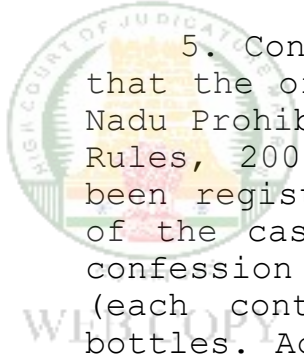
ORDER : The Court Made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 4(1)(aaa), 4(1)(b), 4(1-A) of Tamil Nadu Prohibition Act, Section 4,6 & 7 of Tamil Nadu Rectified Spirit Rules, 2000 and Section 420 I.P.C., in Crime No.443 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on the instructions of the Superior Officers and the secret informant with regard to sale of spurious liquor, the police party rushed to the resident of the first accused and after made arrest of the first accused and on the voluntary confession of the first accused, the respondent police recovered 68 white cans (each contains 35 liters) and 850 Ml. Of GGB Pondicheery Barndy bottles. Hence the respondent police registered a case against the accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner herein is arrayed as A4 in this case. She has been falsely implicated in this case, based on the confession of A1. He further submitted that the petitioner is an innocent person and her name does not find in the F.I.R. Hence he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that A1 in this case was already arrested, investigation is not completed and he further submitted that one previous case for the offence under the NDPS Act is pending against the petitioner.



5. Considering the submissions made on either side, it discloses that the offence under Sections 4(1)(aaa), 4(1)(b), 4(1-A) of Tamil Nadu Prohibition Act, Section 4, 6 & 7 of Tamil Nadu Rectified Spirit Rules, 2000 and Section 420 I.P.C., in Crime No.443 of 2017, has been registered against the petitioner/A4. On going through the facts of the case, during the time of alleged occurrence, based on the confession of A1, the respondent police recovered 68 white cans (each contains 35 liters) and 850 ml. GGB Pondicherry Brandy bottles. According to the prosecution of the case, investigation is not completed. Furthermore, the petitioner/A4 herein is having one another case in Crime No.481 of 2017 for the offence under the NDPS Act and also participated the alleged offence mentioned in this application. Accordingly, this Court came to the conclusion that if this type of petitioner will be granted anticipatory bail, he may be tried to tamper the witness and hamper the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
08/01/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR, THANJAVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.192 of 2018
Date :08/01/2018

MKV-PM-PN-SAR 3/17.1.2018/2P-3C