

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.11379 of 2020

Arul @ Arulvel

...Petitioner / Accused-2

..vs..

State Represented by
The Station House Officer,
PEW Cuddalore,
Cuddalore District.
(Crime No. 291 of 2020)

...Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.291 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 4(1)(aaa),4(1-A) of TNP Act r/w Section 5, 6 & 13 of TN Rectified Spirit Rules 2000, in Cr. No.291 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 21.06.2020, on a secret information, the defacto complainant attached to the Respondent along with others went to a cashew orchid, back side of TB Hospital near M.Pudur and found few persons were loading white cans on their motor bikes and on seeing the defacto complainant and others, few persons flew away from the place, 5 persons were arrested and their vehicles along 766 litres of ID arrack were seized from them thereby, the respondent police registered the case.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to lock down, the petitioner was in his house without any work and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with others was found in possession of 525 litres of rectified spirit. The learned Additional Public Prosecutor further submitted that it is the second anticipatory bail petition and on the earlier occasion, it was reported that there are three previous cases pending against the petitioner. However, on verification it has been found that there are six previous cases pending against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. It is seen that this is the second anticipatory bail application and the earlier petition filed by the petitioner for anticipatory bail in Crl.O.P.No.10398/2020 was dismissed on 10.07.2020.

6. Taking into account the nature of offence and the antecedents of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and the Petitioner is directed to surrender before the learned Judicial Magistrate No. III, Panruti, and apply for bail.

7. With the above direction, this Criminal Original Petition is dismissed.

-sd/-

30/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, PANRUTI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

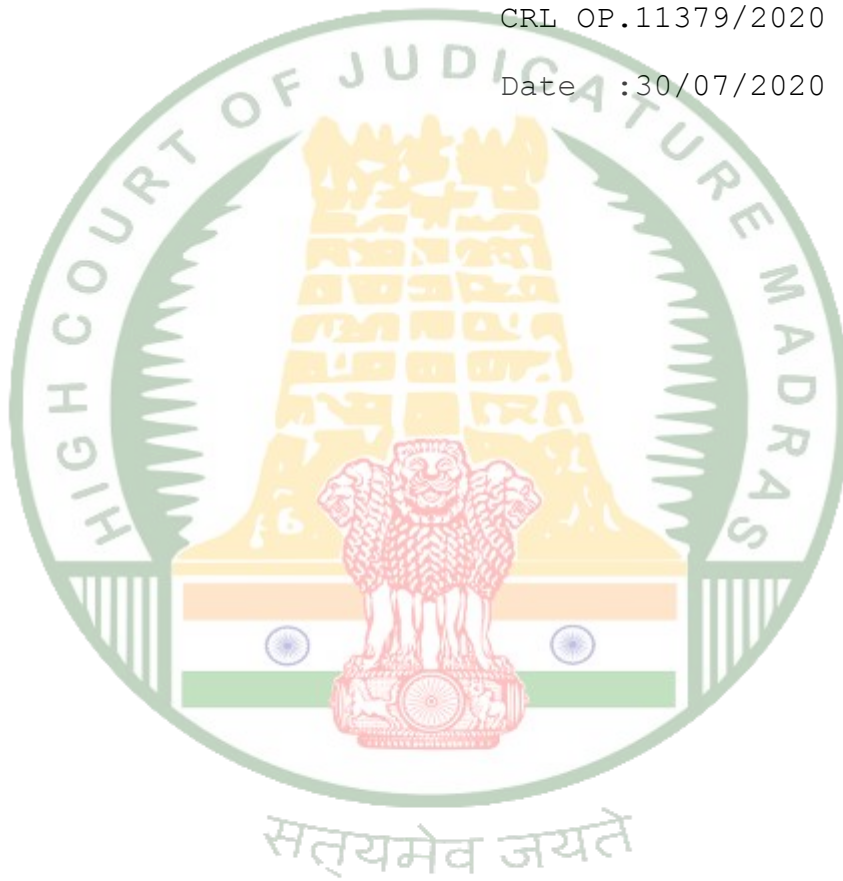
3 THE STATION HOUSE OFFICER,
PEW CUDDALORE,
CUDDALORE DISTRICT.

CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary
charges

CRL OP.11379/2020

Date :30/07/2020

cs 28/08/2020



WEB COPY