

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No. 13047 of 2020

1. Kalaiyarasi
2. Manikandan

... Petitioners

Vs.

The State by,
The Inspector of Police,
Walajabad Police Station,
Kancheepuram Taluk & District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No. Not known of 2020 on the file of the respondent police.

For Petitioners : M/s.R.Dhanasekar

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

O R D E R

(This case has been heard through video conference)

The Petitioners who apprehend arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 4(1)(a), 4(1A) of the Tamil Nadu Prohibition Act r/w Section 6 & 11 of R.S. Rules 2000, in Crime No. Not known of 2020, has filed this Criminal Original Petition under Section 438 of Cr.P.C., seeking anticipatory bail.

2. The case of the Prosecution as per the defacto complainant is that on the usual raid of the respondent police, the petitioners were found in possession of 10 litres of ID arrack. Hence, the complaint was registered.

3. This Court heard the learned counsel for the Petitioners and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

5. On the other hand, the learned Additional Public Prosecutor, while opposing to grant anticipatory bail, would submit that the Petitioners were found in possession of 10 litres of ID arrack, without any valid licence. He further submitted that the first accused has 38 previous cases pending out of which 10 cases have been registered under the B5 Walajabad Police Station and 28 cases have been registered under PEW Kanchipuram. As far as the second accused is concerned, there are five previous cases pending and out of which two cases have been registered under B5 Walajabad Police Station and three cases have been registered under PEW Kanchipuram.

6. Taking note of the facts and circumstances and the submissions of the learned counsel and the fact that the petitioners are habitual offenders, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this criminal original petition stands dismissed.

-sd/-
27/08/2020

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.II,
KANCHEEPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHEEPURAM TALUK AND DISTRICT.

CC to M/S.R.DHANASEKAR Advocate on payment of necessary charges

CRL OP.13047/2020

Date :27/08/2020

MK:14/09/2020