

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CRL.O.P.No.18219 of 2020

1.K.Sethu
2.Kumar @ Senthil Kumar
3.Ayyamperumal

... Petitioners

Vs.

The State Represented by,
Inspector of Police,
Chinnsalem Police Station,
Kallakurichi District.
(Cr.No.1654 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.1654 of 2020 on the file of the respondent.

For Petitioners : Mr.G.Mohammed Aseef

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 353 of IPC r/w Section 3 of TNPP Act, 1992 in Crime No.1654 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant who is a Forest Officer is that while they were conducting usual rounds in the Forest area, they had found two barrels of liquor and the accused were making preparation for illicit arrack. When it was questioned by the defacto complainant, the accused had damaged six two-wheelers worth about Rs.1.80 lakhs and the accused Nos.2 to 5 were arrested on the spot.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case based on the confession of the arrested accused. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would vehemently oppose stating that the petitioners were indulging in preparation of illicit arrack inside the forest area and when it was questioned by the defacto complainant who is the Forest Officer, the accused had damaged six two-wheelers worth about Rs.1.80 lakhs and intimidated and prevented him from discharging his official duties. He would further submit that the first and second petitioners are history sheeters and as far as the first petitioner is concerned, he has got five previous cases, having H.S.No.3/2016 and as far as the second petitioner is concerned, he has got four previous cases, having H.S.No.1/2016. He would further submit that the arrested accused are still in custody. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the bad antecedents of the petitioners and that the arrested accused are still in custody, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is dismissed.

-sd/-
19/11/2020

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

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सत्यमेव जयते

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

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
CHINNASALEM POLICE STATION,
KALLAKURICHI DISTRICT.

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CC to M/S.G.MOHAMMED ASEEF Advocate on payment of necessary charges

CRL OP.18219/2020

Date :19/11/2020

MK:01/12/2020



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