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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2020

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD)Nos.5419 & 5424 of 2020

Alaguraj

... Petitioner/Accused No.3
in Crl.OP (MD)No.5419/2020

Padmanaban
Wrongly Mentioned as
Pathmanaban (Thoppi)

... Petitioner/Accused No.1
in Crl.OP (MD)No.5424/2020

Vs

The State Rep. by
The Inspector of Police,
Town East Police Station,
Thanjavur,
Thanjavur District.
Crime No.124/2020

... Respondent/Complainant
in both the petitions

For Petitioner : M/s.V.Rajiv Rufus, Advocate
(in both Crl.O.Ps.)

For Respondent : Mr.S.Chandrasekar,
(in both Crl.O.Ps.) Additional Public Prosecutor

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.124/2020 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Additional Public Prosecutor appearing for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(1) (aaa) 4(1)(i) of Tamil Nadu Prohibition Act, in Crime No.124 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The petitioner in Crl.O.P.(MD)No.5424 of 2020, who is arrayed as A1, is Licensee of the Bar and the petitioner in Crl.O.P.(MD) No.5419 of 2020, who is arrayed as A3, is TASMAC Manager.

4.On 24.03.2020, during lock-down period, when TASMAC shops throughout the State were ordered to be shut down, these petitioners along with others have clandestinely lifted the liquor kept in the TASMAC shop and were selling and thereby, violated the lock-down orders.

5.During the raid, following properties including cash of Rs.52,159/-, which is being the sale profit of the liquor done by the accused persons in violation of lock-down orders:

- 1.Brandy Bottles-1845
- 2.Beer Bottles-200
- 3.Brandy 332 liters and 100Ml
Beer-130 Liters

6.On seeing the Police party, the persons who have abandoned the liquor bottles and cash and had fled from the scene of occurrence are now before this Court seeking anticipatory bail.

7.The learned counsel for the petitioners would submit that based on the information given by the rival Bar owners, case has been registered against the petitioners. Hence, they may be granted anticipatory bail. Further counsel would submit that the Government has decided to open TASMAC and for past one week, there is no restriction for the sale of liquor in Tamil Nadu and therefore, taking note of the change in circumstances, this petitioners may be granted anticipatory bail.

8.Per contra, the learned Additional Public Prosecutor strongly opposed for the grant of anticipatory bail on the ground that these petitioners with an intention to make money illegally had sold liquor during lock-down period. Thereby, facilitated the spread of Corona virus. Liquor bottles have been removed from the lawful custody and been sold illegally. Unless these petitioners are arrested and interrogated, the other culprits behind this illegal sale cannot be ascertained.

9.Taking note of the crime committed during lock down period endangering the life of the general public, this Court holds that



necessary in this case. Hence, these criminal original petitions are dismissed.

sd/-
22/05/2020

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

**Note: Due to lock-down on account of COVID-19,
this order copy may be treated as true copy.**

TO

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

ORDER
IN
CRL OP (MD) Nos.5419 & 5424/2020
Date :22/05/2020

GNS
TE/JC/SAR-III : 22/05/2020 : 3P/3C