



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

Date : 29/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5518 of 2020

Jeyakumar ... Petitioner/Accused NO.4

Vs

The state Rep By
The Inspector of Police,
Pew, Srivilliputhur, Virudhunagar District.
(Crime.No.437 of 2020).

... Respondent/Complainant

For Petitioner : M/s K.Gokul,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

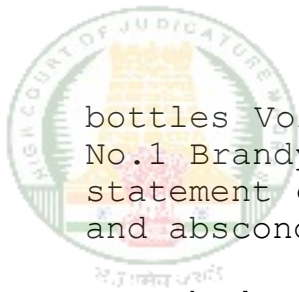
For Anticipatory Bail in Crime.No. 437 of 2020 on the file of
the Respondent Police

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.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 4(1)
(a), 4(1)(i) & 4(1-A) of Tamil Nadu Prohibition Act, 1937 in Crime
No.437 of 2020 on the file of the respondent police, seeks
anticipatory bail.

3.The case against the petitioner is that he along with three
others were found in possession of IMFL during the lockdown period
with an intention to sale it to the public, contrary to the lockdown
instructions. On seeing police party, this petitioner has fled
away from the place of occurrence. Three persons were arrested and
seized 180 ML- 5 bottles Express Special Brandy-180ML-10



bottles Vorion No.1 Brandy - 90ML - 8 bottles (partly opened) Vorion No.1 Brandy-180 ML- 2 bottles (partly opened) were seized. From the statement given by the co-accused, this petitioner been shown as A4 and absconding.

4.The learned counsel for the petitioner would submit that the petitioner herein was shown as sole accused and arrested in other case registered in crime no.455 of 2020 on the file of the Sivakasi Town Police Station for the similar offence and he was released on bail on 30.04.2020. While so for similar allegation, the present case has been registered by PEW Police Station, Srivilliputhur in Crime No.437 of 2020, as if this petitioner was present at the scene of occurrence when IMFL were seized from the accused nos.1 to 3.

5.The learned counsel would submit that Section 4(1)(a) of Prohibition Act will not get attracted in the case of the petitioner, since he was not in possession of any liquor at the time allegedly occurrence. Further he would submit that on the very same day, two cases were registered against this petitioner by two different agencies, just to wreck vengeance against him. It is the case of the petitioner that he is the owner of the recreation club and he is nothing to do with the alleged crime.

6.The learned Additional Public Prosecutor would submit that this petitioner is running a recreation club. During the lockdown period he arranged to sale IMFL with the help of his associates, who are A1 to A3 in crime No.437 of 2020. The petitioner on seeing the patrol party, abandoned the liquor bottles and ran away. The patrol party was able to apprehend other accused. Since huge quantity of liquor been illegally sold by this petitioner during lockdown period, this matter has to be probed. Unless this petitioner is taken into judicial custody, it is difficult for the prosecution to proceed with the investigation.

7.Considering the serious objections, this Court is of the view that the petitioner is not entitled for anticipatory bail. In view of the grave violation of Prohibition Act during lockdown period. Hence, this criminal original petition seeking anticipatory bail is dismissed.

sd/-
29/05/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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

TO

- 1 THE INSPECTOR OF POLICE
PEW, SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5518 of 2020
Date :29/05/2020

PD/JC/SAR 2/01.06.2020/3P/3C