

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2021

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.2147 of 2021

1. Nadhiya
2. Devaraj

... Petitioners

vs.

State rep. By
The Inspector of Police,
Koovathur Police Station,
Kancheepuram District.
Crime No.144/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of his arrest in Crime No.144 of 2020 on the file of the respondent police.

For Petitioners: Mr.L.Ramu

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The petitioners, 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 6 & 11 of TN Rectified Spirit Rules 2000 in Crime No.144 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 245 liters of I.D Arrack. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that this is the second application of anticipatory bail and the earlier application was dismissed by this Court vide Crl.O.P.No.16714 of 2020 by order dated 28.10.2020. He would submit that the respondents have been falsely implicated in this case since, they have previous cases against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The respondent has filed status report in which, it is stated that on 09.04.2020 at about 16.30 hours, while Mr.Joseph Selvaraj, the Inspector of Police, Koovathur P.S., along with his police party was on usual rounds near Cuddlore Malayanthoppu

Cemetery, the petitioners along with other accused were found to sell Rectified Spirit illegally in the locality. On seeing the police, A2 to A4 escaped from the scene of occurrence and A1 was arrested at the spot and his confession was recorded in the presence of the witnesses and based on his confession, the respondent police seized the case property namely 245 liters of Rectified Spirit and thereafter, A1 was produced before the Court. It has been further stated in the status report that the first petitioner is involved in 4 previous cases and the second petitioner is involved in 3 previous cases which is listed as follows;

S.No.	Details of previous cases against the first Petitioner	Details of previous cases against the second Petitioner
1	Crime No.77 of 2020 Koovathur P.S.	Crime No.77 of 2020 Koovathur P.S.
2	Crime NO.147 of 2019 Koovathur P.S.	Crime No.176 of 2019
3	Crime No.163 of 2016 Koovathur P.S.	Crime No.173 of 2018
4	Crime No.287 of 2015 Koovathur P.S.	

5. The learned Additional Public Prosecutor would submit that the petitioners are habitual offenders involved in several previous cases. He would submit that the petitioners along with other accused were found in possession of 245 liters of Rectified Spirit and A1 was arrested at the scene of occurrence and that the petitioners absconded from the spot. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Taking into consideration the fact that the petitioners involved in several previous cases, this Court had dismissed the earlier application in CrI.O.P.No.16714 of 2020 by order dated 28.10.2020 and there is no change in circumstances after the dismissal of the earlier application, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
22/02/2021

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 INSPECTOR OF POLICE,
KOOVATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

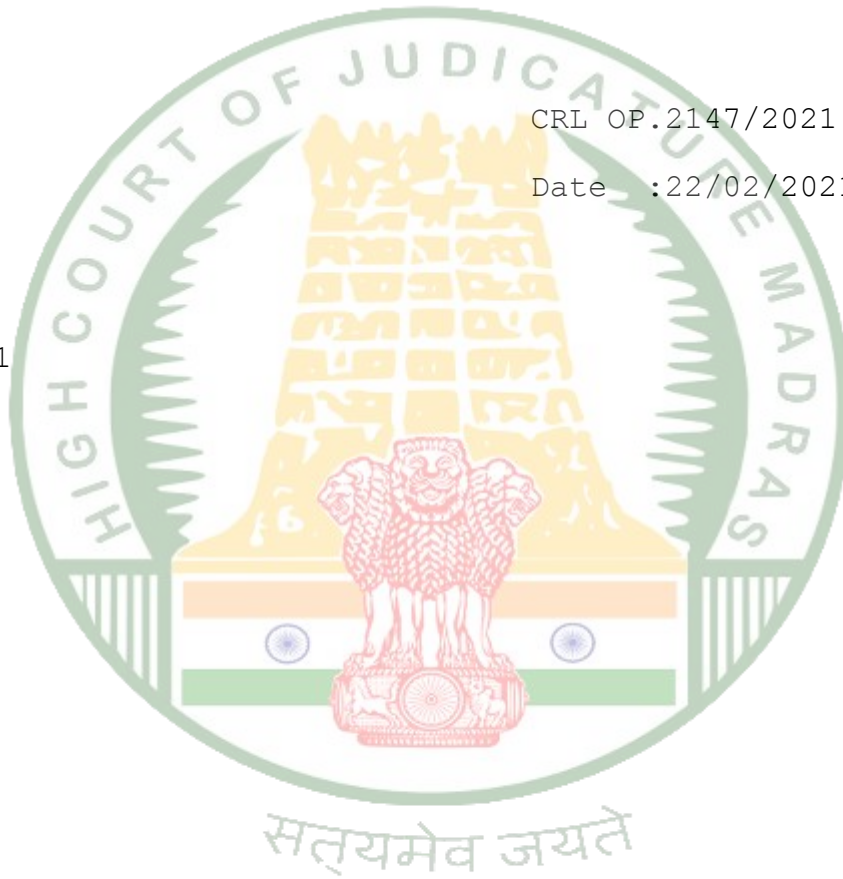
2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.L.RAMU Advocate on payment of necessary charges

CRL OP.2147/2021

Date :22/02/2021

MN-02/03/2021



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