

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

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

Crl. O.P. No. 6707 of 2021

P.Nandagopal

... Petitioner/Accused

-VS-

State Rep by
Inspector of Police,
Prohibition Enforcement Wings,
Panruti Police Station,
Cuddalore.
(Crime No. 220 of 2020)

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail in the event of arrest concerned in Crime No. 220 of 2020 on the file of the Inspector of Police, Panruti Police Station, Cuddalore on such terms and conditions.

For Petitioner : Mr. S.Panneer Selvam

For Respondent : Mr. J.C.Durairaj,
Counsel appearing for the Government

ORDER

(The case has been heard through video conference)

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the offences punishable under Sections 4(1)(a), 4(1-A) and 14-A of the Tamil Nadu Prohibition Act, 1937, in Crime No. 220 of 2020 on the file of the Respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that when the Respondent was on his usual rounds, the Petitioner was found in possession of 10 litres of illicit arrack and on seeing the Police, he dropped the contraband and ran away from the scene of occurrence. Hence, the complaint.

3. The Learned Counsel for the Petitioner would submit that this is the second application for anticipatory bail and the earlier application in Crl. O.P. No. 16152 of 2020 was dismissed on 12.10.2020. He would further submit that the Petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and since the Petitioner was involved in one previous case registered in Crime No. 326 of 2020 on the file of the Kadampuliur Police Station, the present Respondent also registered a case against him for statistical purpose. Hence, he prays for grant of anticipatory bail to the Petitioner.

4. The Learned Counsel appearing for the Government would submit that that the Petitioner was illegally found in possession of 10 litres of illicit arrack and on seeing the Police, he dropped the contraband and ran away from the scene of occurrence. He would further submit that the Petitioner is a habitual

offender and against him there is one previous case in Crime No. 326 of 2020 registered by the Kadampuliur Police Station. He would further submit that there is no change of circumstances after the dismissal of the earlier application for anticipatory bail. Hence, he vehemently opposed for the grant of anticipatory bail to the Petitioner.

5. Heard the Learned Counsels and perused the earlier dismissal order dated 12.10.2020.

6. Taking into consideration the facts and circumstances of the case and also the fact that the Petitioner has one previous case of similar nature and that there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the Petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

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Index: Yes/No

Internet: Yes/No

A.D. JAGADISH CHANDIRA, J.

vjt

To

1. The Inspector of Police,
Prohibition Enforcement Wings,
Panruti Police Station,
Cuddalore.
2. The Inspector of Police,
Panruti Police Station,
Cuddalore.
3. The Judicial Magistrate No. II,
Panruti.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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