

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

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

CRL.O.P.No.3189 of 2021

M.Arjunan

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
(Crime No.888 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.888 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Sakthivel

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4(1)(a) and 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.888 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal transportation of 45 brandy bottles, each containing 180 ml of Mens Club Brandy, by using two wheeler bearing registration No.TN 29 AL 3430 Honda Shine, without any valid permission. On seeing the police he dropped the vehicle and ran away. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the vehicle was used by his friend without his knowledge and he has not committed any offence as alleged by the prosecution. He would submit that this the second application for anticipatory bail and the earlier application in Crl.O.P.No.17534 of 2020 was dismissed by this Court on 09.11.2020. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in illegal transportation of 45 bottles of illicit liquor, each bottle contains 180 ml of brandy in his two wheeler Honda Shine bearing registration No.TN 29 AL 3430 and on seeing the police, he dropped the vehicle along with the contraband and ran away. The police have identified the person as M.Arjunan S/o.Muniyan (the petitioner herein). He would further submit that apart from this case, the petitioner has got four previous out of which, 3 cases are similar in nature and one case is registered for escaping from the custody of the police. Hence, he would vehemently oppose for the grant of anticipatory bail to the petitioner.

5. This Court taking into consideration that the petitioner has got four previous cases out of which, 3 cases are similar in nature, had dismissed the earlier application on 09.11.2020 in CrI.O.P.No.17534 of 2020 and there is no change in circumstances and taking into consideration that the petitioner is a habitual offender, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
24/02/2021

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,
ERIYUR POLICE STATION,
DHARMAPURI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.N.SAKTHIVEL Advocate on payment of necessary charges

CRL OP.3189/2021

Date :24/02/2021