

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4469 of 2021

MURUGESWARI

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
NAGAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.
(CRIME NO.1195 OF 2020)

[RESPONDENT]

For Petitioner : M/S.R.PRABHU Advocate

For Respondent : M/S.C.IYYAPPARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 4 (1) (aaa) r/w. 4 (1-A) of TNP Act, 1937 in Crime No.1195 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26.10.2020, the petitioner along with other accused was found in possession of 110 liters of Pandy Arrack and on seeing the police, the petitioner escaped from the scene of occurrence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent persons. He would submit that, since she got few previous cases, she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner is a habitual offender and eight previous cases pending against him and there are some other cases pending before the various police stations. He would submit that on the earlier occasion, due to inadvertence a wrong instruction was given as if the petitioner has got six previous cases. Hence, this Court taking into consideration of the fact that the petitioner has

got six previous cases, had dismissed the earlier petition for anticipatory bail. But, the fact remains that the petitioner has got eight previous cases registered by the respondent police and out of the eight cases, one case ended in conviction and other two cases charge sheet has been filed and yet to be taken on file. Hence, he would vehemently oppose for the grant of anticipatory bail to the petitioner.

5. Heard the counsel on either side.

6. This Court taking into consideration of the fact that the petitioner has got six previous cases has dismissed the earlier application for anticipatory bail and now it is stated that the petitioner has got eight previous cases and the petitioner has also suffered one conviction.

7. Taking into consideration the nature of offence and the fact that there are eight previous cases against the petitioner and that there is no change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

10/03/2021

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,
NAGAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.PRABHU Advocate on payment of necessary charges

CRL OP.4469/2021

Date :10/03/2021

cs 16/03/2021