



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

WEB COPY

CORAM

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

Crl. O.P. No. 7872 of 2021

Chandrasekar

... Petitioner/2nd Accused

-vs-

State Represented by
The Inspector of Police,
Anaikaranchatram Police Station,
Nagapattinam District.
(Crime No. 569 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 his arrest in Cr. No. 569 of 2020 on the file of the Respondent.

For Petitioner : Mr. R.Chakkaravarthy

For Respondent : Mr. V.J.Priyadarsana,
Counsel appearing for the Government

O R D E R

(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 Section 4(1)(aaa) of the Tamil Nadu Prohibition Act, 1937, in Crime No. 569 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 possession of illicit arrack and thereby, the case was registered by the Respondent Police.

3. The Learned Counsel for the Petitioner would submit that this is the third application for anticipatory bail and the earlier applications for anticipatory bail in Crl. O.P. No. 14100 of 2020 was dismissed on 15.09.2020 and Crl. O.P. No. 20345 of 2020 was dismissed on 23.12.2020. He would further submit that the Petitioner is an innocent person and he has been falsely implicated in this case 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 the Petitioner was found in possession of 110 litres of illicit arrack. He would further submit that the earlier applications for anticipatory bail in Crl.O.P.Nos.14100 and 20345 of 2020 were dismissed on the ground that the Petitioner has got previous cases. He would further submit that the fact remains that the Petitioner has got eight previous cases out of which, six cases are for similar nature of offence under the Tamil Nadu Prohibition Act, 1937, and two cases are for offence under the Lotteries (Regulation) Act, 1998. Hence, he vehemently opposed for the grant of anticipatory bail to the Petitioner.

5. Heard the Learned Counsels and perused the earlier dismissal orders dated 15.09.2020 and 23.12.2020.

6. This Court taking into consideration the nature of offence committed by the Petitioner and the antecedents of the Petitioner, had dismissed the earlier applications on the ground that the Petitioner is a habitual offender. There is no change of circumstances after the dismissal of the earlier applications. Hence, this Court is not inclined to grant anticipatory bail to the Petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
29/06/2021

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 JUDICIAL MAGISTRATE COURT,
SIRKALI.

2 THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
NAGAPATTINAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.7872/2021

Date :29/06/2021