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... **Petitioner/Accused No.1**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . Nos.5743 and 5748 of 2021

P.Ravichandran

... Petitioner/Accused No.1
in CRL OP(MD).No.5743 of 2021

1.P.Malaichamy
2.A.Reegan

... Petitioners/Accused 2 & 3
in CRL OP(MD).No.5748 of 2021

Vs

The State Rep. by
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
(Crime No. 94 of 2021)

... Respondent/Complainant
in both the petitions

For Petitioner : Mr.Solaisamy. M, Advocate
in CRL OP(MD).No.5743 of 2021

Mr.Selvam.T, Advocate
in CRL OP(MD).No.5748 of 2021

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)
for both the petitions.

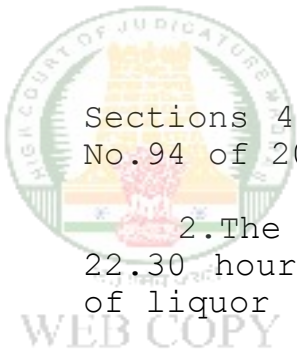
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.94 of 2021 on the file of the
Respondent Police.

COMMON ORDER

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the alleged offences punishable under
<https://hcservices.ecourts.gov.in/hcservices/>



Sections 4(1) (aaa) and 24 of Tamil Nadu Prohibition Act, in Crime No.94 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 17.04.2021, at about 22.30 hours, the petitioners were in possession of 2111 Bottles of liquor in a Garbage Depot.

3.The learned counsel for the first accused submitted that the first accused is the owner of the shop and he was in no way connected with the alleged occurrence and he is falsely implicated in this case and the respondent police had already registered two cases and the petitioner /A1 sent representations to the Superintendent of Police and other authorities in this regard, to direct the respondent police from registering the false complaint against him, even then, the respondent police registered the present case with an ulterior motive. Hence, he seeks anticipatory bail.

4.The learned counsel for the accused Nos. 2 and 3 submitted that the petitioners / A2 and A3 are not involved in the offence concerned in this case. Due to previous enmity, the accused 2 and 3 are implicated in this case. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side) appearing for the respondent police strongly opposed these petitions on the ground that huge volume of liquor bottles were purchased and for being sold at a premium price and the first accused having three previous cases and the second accused having one previous case and the third accused having two previous cases, all are similar in nature.

6.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the respondent.

7.It is seen from the submission that on 17.04.2021 at about 22.30 hours, the defacto complainant along with police party were doing patrol duty, they found the petitioners were having a possession of 2111 Bottles of liquor in a Garbage Depot of Pamban Vivekanandhar Nagar. When the petitioners herein / A1 to A3 saw the police party, they went from different locations and on search, it was found that 2111 liquor bottles were found and it is gathered that these liquor bottles were purchased from the TASMACHOP shop for selling at a premium price. Therefore, this crime came to be registered.

8.Considering the fact that the liquor bottles for being sold in a TASMACHOP shop, were found to be in possession of the petitioners/A1 to A3. On seeing the police party, the petitioners escaped from the place of occurrence and the respondent police seized the liquor bottles and the petitioners having previous cases, all are similar in nature. In these circumstances, this Court is



Hence, these Criminal Original Petitions are dismissed.

sd/-
22/04/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5743 & 5748 of 2021
Date :22/04/2021

AMS/VR/SAR-1/30/04/2021/3P/3C