



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.8636 of 2021

Nethaji

... Petitioner/Accused No.2

Vs

The State represented by
The Sub Inspector of Police,
Jetty Police Station, Rameswaram,
Ramanathapuram District.
Crime No.88 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Balamurugapandi. D,
Advocate.

For Respondent : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.88 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 4(1) (aaa) of Tamil Nadu Prohibition Act, in Crime No.88 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police conducted inspection based on secrete information, they found that the accused were in possession of TASMAL Liquor Bottles illegally. Hence, this petition.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing on behalf of the respondent police would submit that when the respondent police conducted inspection based on secrete information, they found that the accused were in possession of TASMAL Liquor Bottles illegally. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides.

6. The earlier anticipatory bail application filed by this petitioner along with another accused was dismissed in respect of this petitioner, on the ground that he is having 2 previous cases similar in nature. Now, this petition came to be filed, on the ground that he is an innocent person and he has been wrongly roped in this case.

7. The learned Additional Public Prosecutor was directed to be produce CD file and the same was produced.

8. Perusal of records shows that based on the confession statement given by one of the accused that knowing the closing of TASMAL Shop, during the election period, they purchased the liquor bottles illegally and selling the same at higher rate, the petitioner has been arrayed as an accused in this case. It is seen that the petitioner is having two previous cases similar in nature and I find no change of circumstance. Hence, the petitioner is not entitled for discretionary relief of anticipatory bail.

9. In view of the above facts and circumstance, this Court is not inclined to grant anticipatory bail to the petitioner.

10. In the result, this Criminal Original Petition is dismissed.

Sd/-
05/07/2021

/ TRUE COPY /

/ /2021

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

DSS

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 SUB INSPECTOR OF POLICE,
JETTY POLICE STATION,
RAMESWARAM,
RAMANATHAPURAM DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-4278[I] dated
01/07/2021)

ORDER

IN

CRL OP (MD) No.8636 of 2021

Date : 05/07/2021

VB/AKM/SAR.I/07.07.2021/3P/4C