



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12893 of 2021

Petchi Kutty ... Petitioner/Accused No.3

Vs

The state represented by
The Inspector of Police,
Seevalperi Police Station,
Tirunelveli District.
(Crime No. 140/2021). ... Respondent/Complainant

For Petitioner : Mr.Jeyakarthik.M.S,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

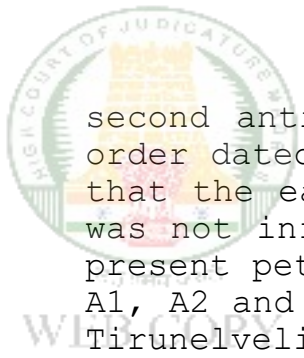
For Anticipatory Bail in Crime No. 140 of 2021 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the
respondent Police, for the offence punishable under Sections 4(1)(a)
& 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.140 of 2021 on
the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along
with other accused was found in possession of 5 liters of illicit
arrack.

3. The learned counsel for the petitioner submitted that the
petitioner is an innocent and he has not committed any offence as
alleged by the prosecution. He further submitted that this is the
third anticipatory bail petition. The first anticipatory bail
petition was withdrawn by the petitioner on 18.06.2021 and the



second anticipatory bail petition was dismissed by this Court vide order dated 09.08.2021 in CrI.O.P.(MD)No.10109 of 2021 on the ground that the earlier anticipatory bail petition filed by the petitioner was not informed to the Court. Hence, the petitioner has filed the present petition. He further submitted that the co-accused, namely, A1, A2 and A4 were released on bail by the Principal Sessions Court, Tirunelveli. Hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (CrI. Side) opposed for grant of anticipatory bail on the ground that the petitioner is having three previous cases. The details of which are as follows:

- (i) Seevalaperi Police Station - Cr.No.132/2013, u/s. 147, 294 (b), 323, 341 IPC and 3(1)(x), 3(2)(v) SC/ST Act;
- (ii) Seevalaperi Police Station - Cr.No.181/2018, u/s. 147, 294 (b), 324, 506(ii) IPC & 4 of TNPHW Act;
- (iii) Seevalaperi Police Station - Cr.No.152/2020, u/s. 4(1)(i) of TNP Act.

5. Considering the nature of offence and the antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

6. In the result, the Criminal Original Petition is dismissed.

sd/-

17/09/2021

/ TRUE COPY /

/ /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
SEEVALPERI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12893 of 2021

Date :17/09/2021

SS/PN/SAR-I/28.09.2021 : 2P/3C

<https://hcservices.ecourts.gov.in/hcservices/>