



CrI.O.P.No. 2914 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 21.01.2023 for the alleged offence under Sections 4(1)(i), 4(1)(aaa) r/w 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.13 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.01.2023, while the respondent police was patrol duty near Vilunthamavadi Manthoppe, on seeing them, the petitioner along with other accused tried to escape from the scene of occurrence and they caught hold of him. On search, they found that the petitioner was said to have found in possession of 110 litres of ID arrack illegally for the purpose of selling the same without any valid license and the same was seized by them. Hence, the complaint was registered against the petitioner.



CrI.O.P.No. 2914 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that based on the confession of A1, the petitioner is implicated as one of the accused and he has been ranked as A2. He would submit that he is an innocent person and he has not at all committed any offence as alleged by the respondent police and he is no way connected with the said offence. He would submit that there is no role of the petitioner in the alleged offence and he has been falsely implicated as accused in this case. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 29 days from 21.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that totally, there are two accused involved in this case and the petitioner is arrayed as A2. He would submit that there are 20 previous cases pending against him and continuously he involved in criminal activities. Furthermore, the Sub-Divisional Magistrate cum Sub-Collector, Nagapattinam had passed a preventive order against him directing him to be in judicial custody till 04.05.2023. He would also submit



CrI.O.P.No. 2914 of 2023

that if he is released on bail, he may abscond and he will tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and considering the gravity of offence committed by the petitioner having 20 previous cases pending against him and also a preventive order was passed by a Sub-Divisional Magistrate cum Sub-Collector directing to keep the petitioner in custody upto 04.05.2023, and also the fact that investigation is still pending and if he is released on bail, he may abscond and there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

20.02.2023

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rpp

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