



Crl.O.P.No.3639 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.3639 of 2024

Charles

...petitioner

Vs.

State represented by
The Inspector of Police,
Keevalur Police Station,
Nagapattinam District.
Crime No.46 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.46 of 2024 on the file of the respondent Police.

For petitioner : Mr.R.Sasikumar

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 04.02.2024 for the offences registered by the respondent Police under



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Sections 4(1)(i), 4(1)(aaa) r/w 4(1-A) of TNP Act, in Crime No.46 of 2024, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 116 litres of ID arrack.

3.The learned Government Advocate (crl.side) raised main objections stating that there are 76 previous cases against the petitioner and this is the 77th case registered against him.

4.A list of cases had been given and perusal of the same shows that all of them registered under TNP Act. The registration of the cases are commences in the year 2012 onwards.

5.It is clear that either the petitioner is deeply addicted to liquor or is addicted to making others became addicted to liquor. The registration of the cases, arrest and remand of the accused and grant of bail has become a routine manner. The petitioner must be by now calculating the number of days by which the bail will be granted to him whatever be the offence, he commits.

6.With a hope that some change will come over in his life, I am inclined to grant bail to the petitioner subject to the following conditions.



7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kilvelur and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall stay at Nagarcoil and report before the Inspector of Police, Nagarcoil Police Station, everyday at 10.30 a.m and 5.30 p.m, until further orders.

[c] Additionally, the learned Principal District Judge, Kaniyakumari, may direct the jurisdictional magistrate of the Police Station where the petitioner is directed to report and enquire as to the habit of the petitioner herein to possess illicit arrack, inviting being arrested and getting out on bail and once again committing the same offence. After getting a report from jurisdictional magistrate, the learned Principal District Judge, Kaniyakumari, may examine whether there is any possibility of assisting the petitioner to get away from this



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habit of getting addicted to liquor/ getting others to addict liquor.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

01.03.2024

vr
To

1. The District Munsif cum Judicial Magistrate, Kilvelur.
2. The Principal District Judge, Kaniyakumari.
3. The District Prison, Nagapattinam.
4. The Inspector of Police,
Keevalur Police Station,
Nagapattinam District.



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5.The Inspector of Police,
Nagarcoil Police Station,
Kanyakumari District.

6.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

vkr

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