



Crl.O.P.No.4640 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

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

Crl.O.P.No.4640 of 2024

Lakshmi

...petitioner

Vs.

State represented by
The Sub Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
Crime No.21 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.21 of 2024 on the file of the respondent Police.

For petitioner : M/s.S.Thankira

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 02.02.2024 for the offences registered by the respondent Police under



CrI.O.P.No.4640 of 2024

Sections 4(1)(a) r/w 4(1-A) of TNP Act, in Crime No.21 of 2024, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 138 bottles of Government liquor.

3.The learned Government Advocate (crl.side) raised objections stating that there are 40 previous cases against the petitioner. A list of cases had been given and it is seen from the list that all the cases have been registered under TNP Act.

4.The learned counsel for the petitioner stated that the petitioner is suffering serious disease and therefore, stated that the bail should be considered by this Court.

5.In view of that particular fact, though there are substantial number of cases pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 Judicial Magistrate, Pennagaram, Dharmapuri District 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 report before the respondent Police, everyday at 10.30 a.m., until further orders.

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

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

[e] 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].

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

7.The learned Principal District Judge, Dharmapuri, through the aegis of the District Legal Aid Services, may examine the case of A1 in Crime No.21 of 2024 registered by the respondent Police under Sections



Crl.O.P.No.4640 of 2024

4(1)(a) r/w 4(1-A) of TNP Act. There are as many as 41 cases against the petitioner including this case. The learned Principal District Judge, Dharmapuri, through District Legal Services Authority, may examine whether some assistance could be given to A1 to wean her away from this habit of possessing liquor if she is addicted, or if she has an affinity to make others addicted to liquor by selling the same. Her medical condition may also be examined by the learned Principal District Judge, Dharmapuri. A report need not be sent in this regard, but the learned Judge may take appropriate steps.

04.03.2024

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To

1. The Judicial Magistrate, Pennagaram, Dharmapuri District.
2. The Central Jail, Salem.
3. The Sub Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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