

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.16264 of 2020

T.Ramamoorthi

... Petitioner

Vs.

The State of Tamil Nadu,
rep by the Inspector of Police,
Shevapet Police Station,
Salem District.
(Crime No.1026/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1026 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 09.09.2020 for the offences punishable under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 6 and 24 (1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.1026 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the child in conflict with law was found in possession of banned tobacco products and during the course of investigation, the defacto complainant and his team secured the petitioner and seized 33 packets (containing 12 pouch) of Cool Lips Filter Tobacco, 37 packets (containing 30 pouch) of Vimal Pan Masal, 16 packets (containing 30 pouch) of V-1 Tobacco and 146 packets (containing 30 Pouch) of Hans Chaap Tobacco from them. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case based on the confession statement given by the other accused. On instruction, he would further submit that taking into consideration of the Covid pandemic situation, the petitioner without

prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association, and that the petitioner has been suffering incarceration from 09.09.2020.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner along with the child in conflict with law was found in possession of banned tobacco products and during the course of investigation, the defacto complainant and his police team secured the petitioner and seized 33 packets (containing 12 pouch) of Cool Lips Filter Tobacco, 37 packets (containing 30 pouch) of Vimal Pan Masal, 16 packets (containing 30 pouch) of V-1 Tobacco and 146 packets (containing 30 Pouch) of Hans Chaap Tobacco from them. He would further submit that there is no other cases pending against this petitioner.

5. In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non-refundable deposit through RTGS/NEFT in favour of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch, on such payment and production of proof, he shall be released on bail on further condition to execute a bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties each for a likesum to the satisfaction of the the learned Judicial Magistrate No.III, Salem, and on further conditions that;

(a) the petitioner shall report before the respondent police every day at 10.30 a.m. until further orders.

(b) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

13/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE, NO. III, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHEVAPET POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE), ADYAR,
CHENNAI - 600020, BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH.

CC to M/S. K.S.KARTHIK RAJA Advocate on payment of necessary charges Sr.6886

CRL OP.16264/2020

Date :13/10/2020

RVR 14/10/2020

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