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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23604 of 2021

Ansar Ali

...Petitioner

Vs.

State, rep. by
The Inspector of Police
Gingee Police Station
Villupuram District.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.958 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.11.2021 for the offences under Sections 6(b) r/w 24 (1) Cigarette and Other Tobacco Products Acts 2003 , in Crime No.958 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.11.2021, when the respondent police officials were on regular patrol duty, the petitioner along with others were found in illegal possession of 1300 pockets of Hans, 900 pockets of Vimal Pan Masala, 900 Pockets of RMD-Pan Masala, 240 pockets of V-1 Tobacco and 240 numbers of Cool lip and the same were seized from them. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 10 days from



26.11.2021. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.20,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

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4.The learned Government Advocate raised objection stating that the petitioner along with others were found in illegal possession of 1300 pockets of Hans, 900 pockets of Vimal Pan Masala, 900 Pockets of RMD-Pan Masala, 240 pockets of V-1 Tobacco and 240 numbers of Cool lip. He further submits the banned tobacco products were recovered.

5.In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only), to the credit of the Sevalaya, No.F-2, Pushkarani Apartments, 12 Ananda Road, Alwarpet, Chennai-600 018. Account Name: SEVALA, A/c No.218601000134, ICICI Bank, Mylapore Branch, Chennai-600004, IFSC Code:ICIC0002186, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Sevalaya for the welfare of poor people.

6.It is made clear that the deposit of the amount by the petitioner to the said Sevalaya would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the period of incarceration undergone by the petitioner and the banned tobacco products were recovered, this Court is inclined to grant bail to the petitioner with certain conditions.

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

(a) the petitioner shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft to the Sevalaya, No.F-2, Pushkarani Apartments, 12 Ananda Road, Alwarpet, Chennai-600 018. Account Name: SEVALA, A/c No.218601000134, ICICI Bank, Mylapore Branch, Chennai-600004, IFSC Code:ICIC0002186, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;



(b) 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;

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(c) the petitioner shall report before the respondent police daily on every Tuesday and Sunday at 10.30 a.m. until further orders;

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

(e) the petitioner shall not abscond 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]; and;

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

-sd/-

06/12/2021

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

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

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE, VILUPPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, VILUPPURAM.



4 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 Sevalaya, No.F-2, Pushkarani Apartments,
12 Ananda Road, Alwarpet,
Chennai-600 018. Account Name: SEVALA,
A/c No.218601000134, ICICI Bank,
Mylapore Branch, Chennai-600004,
IFSC Code:ICIC0002186,

+1 CC to M/S. V.R.APPASWAMEE Advocate on payment of necessary
charges SR.NO.14081

CRL OP.23604/2021

Date :06/12/2021

RW 06/12/2021