



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Crl.O.P.No.1498 of 2022

R.Suhel Ahmed

...Petitioner

Vs.

State Rep by Inspector of Police ,
Thiruchencode Police Station,
Namakkal District.
(Crime No.549 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.549 of 2021 pending on the file of the Respondent Police.

For Petitioner : Mr.N.Premalatha

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

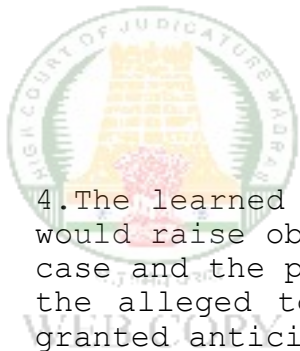
O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 18.12.2021 for the offence under Sections 120 B, 273, 328 IPC r/w section 24 (1) of Cigarettes and other Tobacco Products Act 2003, in Crime No.549 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 18.12.2021, when the respondent police was conducting regular vehicle check, the petitioner was found in illegal possession of 280 Kgs of banned tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 35 days from 18.12.2021. Hence he prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that there are totally 7 accused in this case and the petitioner is arrayed as A1 and he is the one who supplied the alleged tobacco products but admits that the co-accused has been granted anticipatory bail.

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.75,000/- (Rupees Seventy Five Thousand Only), to the credit of the Registered Advocates Clerks Association, Namakkal, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates Clerks.

6.It is made clear that the deposit of the amount by the petitioner to the said Association 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 facts and circumstances of the case and the fact that the investigation is almost completed and co-accused has been granted anticipatory bail and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) (b) the petitioner shall make non-refundable deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) through demand draft to the credit of Registered Advocates Clerks Association, Namakkal, without prejudice to his defence before the trial Court and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Tiruchengode, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(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 report before the respondent police every Saturday at 10.30 a.m., until further orders;



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

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

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

(h) 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];

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

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

-sd/-
25/01/2022

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,
THIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
THIRUCHECODE POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.



5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE REGISTERED ADVOCATE CLERKS ASSOCIATION,
NAMAKKAL DISTRICT.

+1 CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary
charges SR.NO.1138

CRL OP.1498/2022

Date :25/01/2022

INBA~27/01/2022