



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

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CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3507 of 2022

M.Ibrahim

...Petitioner

Vs.

The State rep. By
The Inspector of Police
Ramanatham Police Station,
Cuddalore District.
(Crime No.114 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.114 of 2022 on the file of the Inspector of Police, Ramanatham Police Station, Cuddalore District.

For Petitioner : Mr.N.Manokaran
for Mr.T.Sathyaseelan

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.02.2022 for the offences under Sections 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 read with Section 328 of I.P.C in Crime No.114 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that "Aasai Tobacco Company" has been operating on the way to Thiruvalandurai village from Keelakalpoondi village. It is learned that on 03.02.2022 around 8 p.m, the Food Safety Officers, Cuddalore, seized about 21 tonnes of tobacco products which were banned by the Tamil Nadu Government and were being manufactured for sale. Also this company is located within 100 meters from the school. 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 is a driver for the lorry bearing Registration No. TN 31 BV 3990 which belongs to "Aasai Super Tobacco" which is a proprietorship firm, legally registered and being run as per legal norms. It is his specific submission that the petition mentioned tobaccos have been purchased by the owner of the petitioner from "cooperative" as well as "Erode Marketing Committee". Later, due to the reason that the Company which is called "Aasai Super Pugaiyilai" is situated within hundred meters from the school, the present case has been registered. In otherwise, it cannot be construed that the petitioner and other accused in this case are unlawfully possessed with banned tobacco materials. He would further submit that the petitioner is in judicial custody from 04.02.2022 onwards. Hence, he prays for bail.

4. Ms.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police by filing counter raised objection stating that investigation is pending. In otherwise, she did not dispute the validity of the documents for example, "moola anumadhi seetu" issued by the Erode Marketing Committee which have been filed by the petitioner for showing that the tobacco products are legally purchased in the auction conducted by the Government Organization.

5. The submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 6(b) and 24(1) of Cigarette and Other Tobacco Products Act, 2003 read with Section 328 of I.P.C. In respect to Section 6(b) and 24(1) of the said Act, the said offence is punishable with fine of Rs.200/-. As regards, Section 328 of I.P.C. is concerned, it is for the prosecution to show that the petitioner is possessed with poison and attempted to administer the same to any other person. Herein the history of the case projected by the prosecution shows the petitioner has purchased tobacco product from Erode Marketing Committee and tried to convey the same as usable one. Further the same has been done by the petitioner's company with the authorisation of the Government. Therefore, in the said circumstances, it would appropriate to enlarge the petitioner on bail. Accordingly, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the petitioner is ordered to be released on bail to execute a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate, Tittagudi**



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(b) 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;

(c) the petitioner shall report before the respondent police, daily at 10.00 a.m. for a period of thirty days and thereafter, as and when required for investigation;

(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 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];

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

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

-sd/-

14/02/2022

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,
TITTAGUDI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
RAMANATHAM POLICE STATION,
CUDDALORE DISTRICT

5 THE OFFICER INCHARGE
SUB JAIL, VIRUDHACHALAM.

+1 CC to M/S T.SATHYASEELAN Advocate on payment of necessary
charges SR.NO.2304

CRL OP.3507/2022

Date :14/02/2022

TA-15/02/2022