



Crl.O.P.No.21894 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

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

Crl.OP.No.21894 of 2022

Ramesh

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Kondalampatti Police Station,
Salem District.
Crime No.426 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.426 of 2022 on the file
of the respondent, pending investigation.

For Petitioner : Mr.M.P.Yuvaraj

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



Crl.O.P.No.21894 of 2022

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.08.2022 for the offences punishable under Sections 283 & 328 of IPC and Sections 6 & 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.426 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.08.2022 at about 11.30 a.m., on receipt of secret information, when the respondent police conducted a search, the petitioner was found selling banned tobacco products and on seeing the police, the petitioner had tried to hide the banned tobacco products of 25 packages worth about a sum of Rs.1000/-. The respondent police arrested the petitioner and seized the banned tobacco products. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would also submit that without prejudice, the petitioner is



Crl.O.P.No.21894 of 2022

prepared to deposit a sum of Rs.5,000/- to any Welfare Scheme of the Government. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found selling banned tobacco products and on seeing the police, the petitioner tried to hide the banned tobacco products. The respondent police arrested the petitioner and seized the banned tobacco products. He would also submit that there are no previous cases as against the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.5,000/- to any Welfare scheme of the Government , this Court is inclined



Crl.O.P.No.21894 of 2022

to grant bail to the petitioner. However, it is made clear that 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.

7. Accordingly, the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** by way of Demand Draft to the **Dean, Government Mohan Kumaramangalam Medical College Hospital, Salem**, and on such deposit, the petitioner is ordered to be released on bail on his executing 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 the **learned Judicial Magistrate V, Salem** 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 daily at 10.30 a.m., until further orders;



Crl.O.P.No.21894 of 2022

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.09.2022

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Crl.O.P.No.21894 of 2022

A.D.JAGADISH CHANDIRA., J.

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To

1. The Judicial Magistrate V,
Salem.
2. The Sub Inspector of Police,
Kondalampatti Police Station,
Salem District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.21894 of 2022

12.09.2022