



Crl.O.P.No.22371 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM

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

Crl.OP.No.22371 of 2022

Sekar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-6, T.P.Chathiram Police Station,
Chennai.
Crime No.178 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in the event of his arrest concerned
in Crime No.178 of 2022, on the file of the Inspector of Police, K-6,
T.P.Chathiram Police Station, Chennai on such terms and conditions and as
this Hon'ble Court may deem fit and proper.

For Petitioner : Mr.D.Prabu

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.08.2022 for the offences punishable under Sections 353 & 506(i) of IPC and Sections 6(b) & 24(i) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.178 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.08.2022, when the respondent police were on their regular Patrol, the petitioner and the other accused were found in possession of banned tobacco products. The respondent police arrested the petitioner and other accused 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. He would further submit that only a sum of Rs.450/- was recovered and no contraband was recovered from the petitioner. However, he would also submit that without prejudice to his contentions, the petitioner is prepared to



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deposit a sum of Rs.25,000/- 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 and the other accused were found in possession of banned tobacco products. The respondent police arrested the petitioner and other accused and seized the banned tobacco products. He would also submit that there are no previous cases as against the petitioner. However, 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 without prejudice to his contentions, the petitioner has come forward to deposit an amount of Rs.5,000/- to any Welfare scheme of the



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Government, this Court is inclined 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.25,000/- (Rupees Twenty Five Thousand only)** by way of Demand Draft to the **Dean, Rajiv Gandhi Government General Hospital, Chennai**, 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 Metropolitan Magistrate-V, Egmore, Chennai** 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



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respondent police daily at 10.30 a.m., until further orders;

[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.

15.09.2022

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A.D.JAGADISH CHANDIRA., J.

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To

1. The Metropolitan Magistrate-V,
Egmore, Chennai.
2. The Inspector of Police,
K-6, T.P.Chathiram Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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