



CrI.O.P.No.22622 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

CrI.O.P.No.22622 of 2022

G.Ravi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruvarur Town Police Station
Tiruvarur District.

(Crime No.295/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.295 of 2022 on the file of the respondent.

For Petitioner : Mr.K.M.Subramanian

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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Crl.O.P.No.22622 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Section 328 of IPC and Section 7 r/w Section 20(1) of Cigarette and other Tobacco Products Acts, 2003, and under Sections 52 and 59 of Food Safety and Standards Act, 2006 in Crime No.295 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.08.2022, while the respondent Police and his team were on routine rounds, the petitioner was found in possession banned tobacco products namely, 15 Hans Packets, 15 Cool Lip and 50 Vimal packets totally weighing about 700 grams, worth about Rs.860/-. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that without prejudice, the petitioner is prepared to deposit some considerable amount to any welfare scheme of the Government and hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.22622 of 2022

WEB COPY

4. The Additional Public Prosecutor appearing for the respondent police submitted that on 22.08.2022, when the respondent Police and his team were on routine rounds, the petitioner was found in illegal possession of 700 grams of banned tobacco products, worth about Rs.860/-. He would further submit that there is no previous cases as against the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. In order to curb the illegal activities of smuggling of tobacco products, this Court is of the opinion that the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) as non refundable deposit to "The Dean/Medical Officer, Government Medical College and Hospital, Thiruvarur District" without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner deposits the said amount, it would



Crl.O.P.No.22622 of 2022

not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is prepared to deposit Rs.5,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.5,000/- (Rupees Five thousand only)** by way of Demand Draft/RTGS/NEFT to the Dean, **Government Medical College and Hospital, Thiruvarur District"** without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond each for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the

satisfaction of the **learned Judicial Magistrate Court, Tiruvarur** and on



Crl.O.P.No.22622 of 2022

further conditions that:

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[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;

[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]*;



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Crl.O.P.No.22622 of 2022

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

19.09.2022

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To

1. The Judicial Magistrate,
Tiruvarur.
2. The Inspector of Police,
Tiruvarur Town Police Station,
Tiruvarur District.
3. The Central Prison,
Tiruchirappalli.
4. The Additional Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.22622 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.22622 of 2022

19.09.2022