



Crl.O.P.No.22702 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM

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

**Crl.O.P.No.22702 of 2022**

Makesh Kumar

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
T.Palur Police Station,  
Ariyalur District.  
Crime No.231 of 2022

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner on bail in Crime No.231 of 2022 pending  
investigation on the file of the respondent police.

For Petitioner : Mr.V.Illanchezian

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 27.08.2022 for the offences punishable under Section 328 of IPC and Sections 6(a) & 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.231 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.09.2022, on receipt of secret information, when the respondent police conducted a search, the petitioner was found in possession of 32 packets of banned tobacco products of various brands worth about a sum of Rs.1000/-. The respondent police arrested the petitioner and seized the banned tobacco products from him. 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 to his contentions, the petitioner is prepared to deposit a sum of Rs.20,000/- to any Welfare Scheme



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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 in possession of 32 packets of banned tobacco products of various brands worth about a sum of Rs.1000/-. The respondent police arrested the petitioner and seized the banned tobacco products from him. He would also submit that there are three previous cases of similar nature 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.20,000/- to any Welfare scheme of the Government , this Court is inclined to grant bail to the petitioner. However, it is made clear that merely, because the petitioner



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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.20,000/- (Rupees Twenty Thousand only)** by way of Demand Draft to the **Dean/Medical Officer, Government District Headquarters Hospital, Ariyalur District**, 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-I, Jayankondam**, 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;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence



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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.

**22.09.2022**

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1. The Judicial Magistrate-I,  
Jayankondam.
2. The Inspector of Police,  
T.Palur Police Station,  
Ariyalur District.
3. The Superintendent,  
Central Prison,  
Trichy.
4. The Public Prosecutor,  
High Court of Madras.

**A.D.JAGADISH CHANDIRA., J.**



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