



Crl.O.P.No.23657 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

Crl.OP.No.23657 of 2022

R.Arokkiyasamy

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Veppur Police Station,
Cuddalore District.

Crime No.532 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with Crime No.532 of
2022, on the file of the Respondent Police.

For petitioner : Mr.R.Thirumoorthy

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



WEB COPY



Crl.O.P.No.23657 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.09.2022 for the offences punishable under Sections 273, 328 of IPC and Section Section 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.532 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 19.09.2022, while the respondent Police and his team were on routine rounds, they found that the petitioner along with the other accused had illegally transported 522 kilograms of banned tobacco products. 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 as non-refundable deposit to any welfare scheme of the Government and hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.23657 of 2022

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is arrayed as A2 in this case and on 03.09.2022, when the respondent Police and his team were on routine rounds, they found that the petitioner along with the other accused had illegally transported 522 kilograms of banned tobacco products and the same has been seized by the respondent and the accused have also been arrested. However, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent 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.1,10,000/- (Rupees One lakh and ten thousand only) as non refundable deposit to "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram District" without prejudice to his rights and contentions before the trial Court.



Crl.O.P.No.23657 of 2022

7. 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.

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.1,10,000/- 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.1,10,000/- (Rupees One lakh and ten thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of "The Dean/Medical Officer, Government Villupuram Medical College and Hospital, Mundiampakkam, Villupuram 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



Crl.O.P.No.23657 of 2022

released on bail on his executing a bond each 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 No-I,**
Virudhachalam, 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 tamper with evidence
or witness either during investigation or trial;

[d] the petitioner shall not abscond 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



Crl.O.P.No.23657 of 2022

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;

29.09.2022

ham

To

1. The Judicial Magistrate No.I,
Virudhachalam.
2. The Inspector of Police,
Veppur Police Station,
Cuddalore District.
3. The Sub Jail,
Virudhachalam.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23657 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.O.P.No.23657 of 2022

29.09.2022