



Crl.O.P.No.24404 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.24404 of 2022

G.Prabhu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur District.

(Crime No.356/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.356
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

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



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CrI.O.P.No.24404 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.09.2022 for the offences punishable under Sections 24(1) of Cigarette and other Tobacco Products Acts, 2003, r/w Sections 272, 273 & 328 of IPC in Crime No.356 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving a secret information, the respondent Police and his team were inspected the shop near Kakkalur bus stop, wherein, they found that the petitioner was in illegal possession of 263 packets of banned tobacco products for sale. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, who has been running a provisional store and he has been falsely implicated in this case. He would also submit that without prejudice, the petitioner is prepared to make a deposit the 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.24404 of 2022

WEB COPY

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner was in illegal possession 263 packets of banned tobacco products, worth about Rs.6000/- for sale. He would further submit that there are 6 previous cases as against the petitioner. However, he would oppose to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) 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.20,000/- (Rupees Twenty thousand only) as a non refundable deposit to **"The Dean/Medical Officer, Government Medical College Hospital, Thiruvallur District"**, without prejudice to his rights and contentions before the trial Court.



Crl.O.P.No.24404 of 2022

WEB COPY

7. Merely, because the petitioner has deposited 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.20,000/- 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.20,000/- (Rupees Twenty thousand only)** by way of **Demand Draft/RTGS/NEFT** to the **"The Dean/Medical Officer, Government Medical College Hospital, Thiruvallur 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 for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each



Crl.O.P.No.24404 of 2022

for a like sum to the satisfaction of the **learned Judicial Magistrate I, Thiruvallur**, 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 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]***;



Crl.O.P.No.24404 of 2022

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

11.10.2022

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To

1. The Judicial Magistrate I,
Thiruvallur.
2. The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur District.
3. The Sub Jail,
Thiruvallur.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24404 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.24404 of 2022

11.10.2022