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Crl.O.P.No.25502 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25502 of 2022

A.Dhasbuthin

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N-1, Royapuram Police Station,
Royapuram, Chennai.
Crime No.444 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 Cr.No.444 of
2022 on the file of the respondent police.

For Petitioner : Mr.G.Ruthra Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 20.09.2022 for the offences punishable under Sections 6, 24(i) of
Cigarette and Other Tobacco Products Act, 2003 read with Sections 328, 353



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and 506(i) IPC, in connection with Cr.No.444 of 2022 on the file of the respondent police.

2. The case of the prosecution is that the petitioner was in possession of 400 packets of banned tobacco products each weighing 10 grams. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, on instructions, he would further submit that without prejudice to his rights and contentions, the petitioner is ready to deposit a sum of Rs.10,000/- in favour of the Dean/Medical Officer, Stanley Government Medical College Hospital, Chennai. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was in illegal possession of 400 packets of banned tobacco products worth about Rs.6,000/-. He would also



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submit that earlier, this Court had dismissed the bail petition in Crl.O.P.No.23786 of 2022, stating that the petitioner was having three previous cases similar in nature and this is the second bail petition. Hence, he opposed for grant of 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.10,000/- (Rupees Ten Thousand only) as a non refundable deposit to **the Dean/Medical Officer, Stanley Government Medical College Hospital, Chennai**, without prejudice to his rights and contentions before the trial Court.

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



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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.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.10,000/- (Rupees Ten Thousand only)** either through RTGS/NEFT or in cash in favour of **the Dean/Medical Officer, Stanley Government Medical College Hospital, Chennai** 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 for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, George Town, Chennai** and on 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]*;

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

20.10.2022

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A.D.JAGADISH CHANDIRA., J.

Anu

To

1. The XVI Metropolitan Magistrate, George Town,
Chennai.
2. The Inspector of Police,
N-1, Royapuram Police Station,
Royapuram, Chennai.
3. The Superintendent,
Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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