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Crl.O.P.No.25447 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25447 of 2022

Sivakami

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mettupalayam Police Station,
Coimbatore.

(Crime No.780/2022).

... 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.780
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Kalimuthu

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 06.10.2022 for the offences punishable under Sections 24(1), 6(a) of Cigarette and other Tobacco Products Acts, 2003, r/w Section 328 of IPC in Crime No.780 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving a secret information about selling of tobacco, the respondent Police conducted a search, wherein, they found that the petitioner was in illegal possession of 67 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 she 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.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner was found in illegal possession of 67 kilograms of banned tobacco products. He would further submit that there is one previous case of similar nature is pending as against the petitioner. Hence, he 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.50,000/- (Rupees Fifty thousand only) as a non refundable deposit to **"The Dean/Medical Officer, Government Coimbatore Medical College Hospital, Coimbatore"**, without prejudice to her rights and contentions before the trial Court.



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7. Merely, because the petitioner has deposited the said amount, it would not amount to admission of her 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.50,000/- 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.50,000/- (Rupees Fifty thousand only)** by way of **Demand Draft/RTGS/NEFT to the "The Dean/Medical Officer, Government Coimbatore Medical College Hospital, Coimbatore"**, without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on her executing a bond for a sum of



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Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each
for a like sum to the satisfaction of the **learned Judicial Magistrate,**
Mettupalayam, 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]*;



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A.D.JAGADISH CHANDIRA.,J.

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