



CrI.O.P.No.25452 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

CrI.O.P.No.25452 of 2022

Mohamed Masood

... Petitioner

Vs.

State Rep by:

Inspector of Police,

Ponneri Police Station,

Crime No.288 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the Petitioner / Accused on bail in Crime Number 288 of

2022 on the file of the respondent police.

For Petitioner : Mr.M.Soundar Vijay Arulram

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



Crl.O.P.No.25452 of 2022

respondent police would submit that the petitioner was found in illegal possession of 16 kilograms banned tobacco products, worth about Rs.13,000/-. He would further submit that there is no previous case as against the petitioner. However, 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.15,000/- (Rupees Fifteen Thousand only) as a non refundable deposit to "The Government Kilpauk Medical College Hospital, Kilpauk, 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 Court to deal with the case independently.

8. Taking into consideration the facts of the case and the



CrI.O.P.No.25452 of 2022

submissions made by the learned counsel and also taking note of the fact that the petitioner is prepared to deposit Rs.15,000/- 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.15,000/- (Rupees Fifteen thousand only)** by way of **Demand Draft/RTGS/NEFT** to the "**The Government Kilpauk Medical College Hospital, Kilpauk, Chennai, "Hospital Maintenance Fund", Canara Bank, Kilpauk Branch, A/c.No.1650101005396, IFSC Code : CNRB0001650, MICR Code : 600015050**", 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 Judicial Magistrate No.1, Ponneri**, and on further conditions that:

[a] the sureties shall affix their photographs and



CrI.O.P.No.25452 of 2022

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.

19.10.2022

ham/adl

To



CrI.O.P.No.25452 of 2022

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1. The Judicial Magistrate No.1, Ponneri.
2. The Inspector of Police,
Ponneri Police Station,
3. The Sub Jail,
Ponneri.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25452 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.25452 of 2022

29.09.2022