



Crl.O.P.No.25564 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**

Crl.O.P.No.25564 of 2022

Abdul Rahman

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Thirumakottai Police Station,
Thiruvarur District.

(Crime No.115 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.115 of 2022 pending on
the file of the respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

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



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Crl.O.P.No.25564 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.10.2022 for the offences punishable under Sections 273, 328 of IPC r/w 7, 20(1) of the Cigarette and Tobacco Products Act, 2003 in Crime No.115 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.10.2022, on receipt of secret information, when the respondent police conducted a search, the petitioner was found in illegal possession of banned tobacco products like 1800 grams of Hans and 648 grams of Cool Lip, worth about Rs.4200/-. The respondent police arrested the petitioner and seized the banned tobacco products from him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would also submit that without prejudice to his contentions, the petitioner is prepared to deposit a sum of Rs.10,000/- to any Welfare Scheme of the Government. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.25564 of 2022

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in illegal possession of banned tobacco products like 1800 grams of Hans and 648 grams of Cool Lip, worth about Rs.4200/- and the same was seized and the accused was arrested by the respondent. He would also submit that there is no previous case as against the petitioner. However, he opposed 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.10,000/- (Rupees Ten thousand only) as a non refundable deposit to "The Dean/Medical Officer, Government Thiruvavarur Medical College and Hospital, Thiruvavarur", without prejudice to his rights and contentions before the trial Court.



Crl.O.P.No.25564 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 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)** by way of **Demand Draft/RTGS/NEFT to the "The Dean/Medical Officer, Government Thiruvarur Medical College and Hospital, Thiruvarur"**, 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.25564 of 2022

for a like sum to the satisfaction of the **learned Judicial Magistrate No.II,**

Manargudi 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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Crl.O.P.No.25564 of 2022

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

19.10.2022

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To

1. The Judicial Magistrate-II,
Manargudi.
2. The Inspector of Police,
Thirumakottai Police Station,
Thiruvavarur District.
3. The Sub Prison,
Manargudi.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25564 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.25564 of 2022

19.10.2022