



Crl.O.P.No.26122 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

Crl.OP.No.26122 of 2022

Narendiradevan

... Petitioner

Vs.

State Rep. By Inspector of Police,
Thudiyalur Police Station,
Coimbatore,
Coimbatore District.
(Crime No.848 / 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge him on bail in the case in connection with Crime No.848
of 2022 now pending investigation on the file of the respondent.

For Petitioner : Mr.Manoj Kumar N

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 14.10.2022 for the offences punishable under Section 328 of IPC and



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Section 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.848 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 25.675 Kgs of banned tobacco products worth about Rs.50,000/-. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person 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 considerable amount to any Welfare Scheme of the Government. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was found in illegal possession of 25.675 Kgs of banned tobacco products worth about Rs.50,000/-. He would also submit that there is no previous cases as against the petitioner.



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However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. In order to curb the illegal activities of selling banned tobacco products, this Court is of the opinion that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) as non refundable deposit to **“The Dean/Medical Officer, Government Coimbatore Medical College and Hospital, Coimbatore”** without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner deposits 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 has prepared to deposit Rs.50,000/- to any welfare scheme of



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the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed to **deposit a sum 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 and Hospital, Coimbatore”**, 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 each for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Coimbatore** 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;



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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC;

27.10.2022

mpl



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A.D.JAGADISH CHANDIRA., J.

mpl

To

- 1.The Judicial Magistrate No.I,
Coimbatore.
- 2.The Inspector of Police,
Thudiyalur Police Station,
Coimbatore,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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