



Crl.O.P.No.26842 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.O.P.No.26842 of 2022

Arisiyappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karipatti Police Station,
Salem District.

(Crime No.285/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.285
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Umapathi

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



Crl.O.P.No.26842 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.10.2022 for the offences punishable under Section 328 IPC Sections 7(2) & 20(1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.285 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.10.2022, on receipt of the secret information, when the respondent police and their team conducted search, they found that the petitioner was in illegal possession of 182 kilograms of banned tobacco products worth about Rs.1,48,650/-. Hence, the case.

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. He would also submit that without prejudice, the petitioner is prepared to make a deposit a sum of Rs.50,000/- as non-refundable deposit to any welfare scheme of the Government and hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.26842 of 2022

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was in illegal possession of 182 kilograms of banned tobacco products worth about Rs.1,48,650/- for selling. Hence, he vehemently 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 selling and transporting 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 Mohan Kumaramangalam Medical College Hospital, Salem", 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.



CrI.O.P.No.26842 of 2022

WEB COPY

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 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 Mohan Kumaramangalam Medical College Hospital, Salem"** 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 District Munsif cum Judicial Magistrate, Valappady**, and on further conditions that:



CrI.O.P.No.26842 of 2022

[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 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;

04.11.2022

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CrI.O.P.No.26842 of 2022

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To

1. The District Munsif cum Judicial Magistrate,
Valappady
2. The Inspector of Police,
Karipatti Police Station,
Salem .
3. The Sub Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.26842 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.26842 of 2022

04.11.2022