



Crl.O.P.No.27350 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

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

Crl.O.P.No.27350 of 2022

Jalaram

... Petitioner

Vs.

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

(Crime No.167/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.167
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Sivakumar

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



Crl.O.P.No.27350 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.09.2022 for the offences punishable under Sections 273, 328 of IPC r/w Sections 6, 24(1) of Cigarette and other Tobacco Products Acts, 2003 and Sections 57, 59 of Food Safety and Standards Act, 2006, r/w Section 20(b)(ii)(B) of NDPS Act, in Crime No.167 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.09.2022, while the respondent Police and his team were conducting vehicle search, they found that the petitioner was illegally transporting 2.450 Kilograms of Ganja along with 250 kilograms of banned tobacco products in his vehicle bearing registration number TN-10-AE-3318. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the prosecution, the alleged contraband is only an intermediate quantity. He also stated that the petitioner



Crl.O.P.No.27350 of 2022

is in custody from 11.09.2022 and that without prejudice, the petitioner is prepared to make a deposit a sum of Rs.25,000/- as non-refundable deposit to any welfare scheme of the Government and hence, he prayed for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the respondent Police have found that the petitioner was illegally transporting 2.450 Kilograms of Ganja along with 250 kilograms of banned tobacco products in his car. He further submitted 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.25,000/- (Rupees Twenty five thousand only) as a non refundable deposit



Crl.O.P.No.27350 of 2022

WEB COPY

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 has deposited the said amount, it 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 that the petitioner is prepared to deposit Rs.25,000/- to any welfare scheme of the Government and also considering the period of incarceration undergone by the petitioner, 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.25,000/- (Rupees Twenty five 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



Crl.O.P.No.27350 of 2022

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** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Special Judge for EC/NDPS Act Cases, Salem**, 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



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Crl.O.P.No.27350 of 2022

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.

17.11.2022

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To

1. The Special Judge for EC/NDPS Act Cases,
Salem.
2. The Inspector of Police,
Steel Plant Police Station,
Salem District.
3. The Central Prison.
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.27350 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.27350 of 2022

17.11.2022