



Crl.O.P.Nos.27772 and 27812 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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

Crl.O.P.Nos.27772 and 27812 of 2022

Mohammed Yusuf ... Petitioner in Crl.O.P.No.27772 of
2022

Thomas ... Petitioner in Crl.O.P.No.27812 of
2022

Vs.

The State represented by,
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.

(Crime No.791/2022) ... Respondent in both
Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners on bail in connection with the Crime No.791 of 2022 pending investigation on the file of the respondent Police.

In both Crl.O.Ps.



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For Petitioners : Mr.M.N.Balakrishnan

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.10.2022 for the offences punishable under Sections 7(1) & 20(2) of Cigarette and other Tobacco Products Act r/w Sections 273 and 328 of IPC in Crime No.791 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 26.10.2022, on receipt of the secret information, when the respondent police and their team conducted search, they found that the petitioners along with other accused were in illegal possession of 544 kilograms of banned tobacco products worth about Rs.10 lakhs. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that without prejudice, the petitioners are prepared to make a deposit a sum of Rs.35,000/- as non-



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refundable deposit to any welfare scheme of the Government or to any shelter home and hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were in illegal possession of 544 kilograms of banned tobacco products worth about Rs.10 lakhs for selling. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners 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 petitioners shall deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) each as non refundable deposit to **"Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai"**, without prejudice to their rights and contentions before the trial Court.

7. Merely, because the petitioners deposit the said amount, it would



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not amount to admission of their 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 petitioners have prepared to deposit Rs.35,000/- each to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.35,000/- (Rupees Thirty Five thousand only)** each by way of Demand Draft/RTGS/NEFT to the **"Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai - Punjab National Bank, Moulivakkam Branch Account No. 05812010015060, IFSC Code : PUNB0058110, MICR Code : 600024081"**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their 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



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satisfaction of the **learned Judicial Magistrate No.V, 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;

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

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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To

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



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A.D.JAGADISH CHANDIRA.,J.

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