



CrI.O.P.No.28117 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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

CrI.O.P.No.28117 of 2022

Logeswaran

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Palladam Police Station,
Thiruppur.

(Crime No.1167/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleased to modify the condition imposed on the petitioner by the learned
Principal Sessions Judge, Thiruppur in CrI.M.P.No.2041 of 2022 dated
31.10.2022.

For Petitioner : Mr.P.Paul Selvam

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

This petition has been filed to modify the condition imposed on the petitioner by the learned Principal Sessions Judge, Thiruppur in Crl.M.P.No.2041 of 2022 dated 31.10.2022 that the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) as a non-refundable cost for utilizing spreading awareness in schools and colleges by creating an awareness and sensitization programme as contemplated by the NALSA Scheme.

2.The learned counsel for the petitioner would submit that the petitioner who was arrested in Crime No.1167 of 2022 for the offence under Sections 273, 328 IPC and Sections 7(1) and 20(2) of the Cigarette and other Tobacco Products Act, 2003. He would submit that the petitioner had filed an application for bail before the learned Principal Sessions Judge, Tiruppur in Crl.M.P.No.2041 of 2022 and the learned trial Judge by an order dated 31.10.2022 was pleased to grant bail with a condition that the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) as a non-refundable cost for utilizing spreading awareness in schools and colleges by creating an awareness and sensitization programme as contemplated by the



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NALSA Scheme. He would submit that the petitioner being the driver of the vehicle was unable to raise funds to the tune of Rs.3,00,000/- and thereby, he is still in custody, despite the order being passed on 31.10.2022. The learned Magistrate has imposed onerous condition and thereby, preventing the petitioner to come out on bail. He would further submit that the co-accused in this case had applied for anticipatory petition before this Court in Crl.O.P.No.26746 of 2022 and this Court by an order dated 04.11.2022 had granted anticipatory bail to the co-accused with a condition to deposit a sum of Rs.25,000/- as non refundable deposit to the Dean, Government Medical College and Hospital, Coimbatore and thereby, the present petition has been filed for modification of the condition.

3.The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in illegal possession of 224 kilograms of banned tobacco products. He would further submit that there is no previous case pending against him. However, he opposed for modification of the condition imposed by the learned Principal Sessions Judge, Tiruppur.



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4. Considering the above submissions, the condition imposed by the learned Principal Sessions Judge, Tiruppur in Crl.M.P.No.2041 of 2022 on the petitioner i.e., "to deposit a sum of Rs.3,00,000/-(Rupees Three Lakhs Only) as a non-refundable deposit for utilizing spreading awareness in schools and colleges by creating an awareness and sensitization programme as contemplated by the NALSA Scheme", vide order dated 31.10.2022 shall stands replaced as "to deposit a sum of Rs.10,000/-(Rupees Ten Thousand Only) as a non refundable deposit to the credit of "The Dean, Government Medical College and Hospital, Coimbatore".

5.Accordingly, this Criminal Miscellaneous Petition is modified.

All other conditions remain unaltered.

23.11.2022

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Note:Issue order copy on 23.11.2022

To

1. The Principal Sessions Judge, Thiruppur
- 2.The Inspector of Police,
Palladam Police Station,
Thiruppur.
- 3.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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