



WEB COPY



Crl.O.P.No.29457 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

Crl.O.P.No.29457 of 2022

Mohammed Yasin

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Aanaikaranchathiram Police Station.  
Mayiladuthurai District.

(Crime No.400/2022).

... Respondent

**PRAYER:** Criminal Original Petitions filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail in connection with the Crime No.400  
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

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



Crl.O.P.No.29457 of 2022

WEB COPY

## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 07.11.2022 for the offences punishable under Section 328 of IPC r/w Sections 6 & 24(1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.400 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the respondent Police and his team were on their routine patrol duty, they found that the accused were illegally transporting 95 kilograms of banned tobacco products in their car. Hence the case.

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 he is in custody from 07.11.2022, hence, he prayed to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused had illegally transported 95



Crl.O.P.No.29457 of 2022

kilograms of banned tobacco products in their car and the respondent has seized the same. He further submitted that there is no previous case as against the petitioner, however, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that without prejudice to his defense, the petitioner is ready and willing to deposit an amount of Rs.50,000/- as non- refundable deposit to any welfare scheme of the Government or to any shelter home and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. 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.50,000/- (Rupees Fifty thousand only) as a non refundable deposit to **"The Dean/Medical Officer, Government Headquarters Hospital,**



CrI.O.P.No.29457 of 2022

**Mayiladuthurai District"**, without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited 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.

9. 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 is prepared to deposit Rs.50,000/- to any welfare scheme of the Government and also considering that there is no previous case as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. 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 Headquarters Hospital, Mayiladuthurai District"**, without prejudice to his rights and contentions



CrI.O.P.No.29457 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sirkazhi**, 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 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]***;



WEB COPY



Crl.O.P.No.29457 of 2022

[f] If the accused thereafter abscond, a fresh FIR  
can be registered under Section 229A IPC.

**01.12.2022**

*ham*

To

1. The Judicial Magistrate ,  
Sirkazhi.
2. The Inspector of Police,  
Aanaikaranchathiram Police Station,  
Mayiladuthurai District.
3. The Sub Jail,  
Sirkazhi.
4. The Public Prosecutor,  
High Court of Madras.



WEB COPY



Crl.O.P.No.29457 of 2022

**A.D.JAGADISH CHANDIRA.,J.**

*ham*

**Crl.O.P.No.29457 of 2022**

**01.12.2022**