



Crl.O.P.No.6403 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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

Crl.O.P.No.6403 of 2023

R.Lakshmi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N-3, Muthialpet Police Station,
Flower Bazar, Chennai.

(Crime No.22 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.22 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.B.Shankar

For Respondent : Mr.C.E.Pratap
Government Advocete (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.02.2023 for the offences punishable under Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and 328 of IPC in Crime No.22 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that when the respondent Police and his team, were on their routine patrol duty, they found that the accused was indulged in selling some banned tobacco products. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a lady, aged about 36 years and she has been falsely implicated in this case. He further submitted that the petitioner is in custody from 06.02.2023 and she is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of some banned tobacco products, worth of Rs.9,000/- and also



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indulged in selling the same. He further submitted that there are 12 previous cases pending as against the petitioner, out of which, 10 cases are similar in nature. However, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.20,000/- to any welfare scheme run by the Government. He further stated that the petitioner is in judicial custody from 06.02.2023 and 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. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "The Dean, Rajiv Gandhi Government General Hospital, Chennai", without prejudice to her rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it



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would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- to the credit of the "The Dean, Rajiv Gandhi Government General Hospital, Chennai", 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.20,000/- (Rupees Twenty Thousand only) **by way of Demand Draft/RTGS/NEFT to the credit of "The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856"**, without prejudice to her 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.10,000/- (Rupees Ten**



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thousand only) with two sureties, for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, Chennai**, 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]*;

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



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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N-3, Muthialpet Police Station,
Flower Bazar, Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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