



WEB COPY



Crl.O.P.No.8208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.8208 of 2023

1.Kalil Rahman

2.Kalimuthu

... Petitioners

Vs.

The State rep by,
The Inspector of Police,
Thalaignayiru Police Station,
Nagapattinam District.
(Crime No.47 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime No.47 of 2023 on the file
of respondent police.

For Petitioners : Mr.R.Maheswaran

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 20.03.2023 for the offences punishable under Sections 272, 273,
328 of IPC r/w Section 6 and Section 24(1) of the Cigarette and other



Crl.O.P.No.8208 of 2023

Tobacco Products Act, 2003 in Crime No.47 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 20.03.2023, based on the secret information, the respondent police went to the scene of occurrence and found the petitioners to be selling Tobacco products worth about a sum of Rs.4,00,000/- which is banned by the Government. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents persons and they have been falsely implicated in this case. He would also submit that the petitioners are ready to abide by any stringent conditions imposed that may be imposed by this Court and they are in judicial custody from 20.03.2023. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (crl.side) for the respondent submitted that the petitioners were found to be illegally selling banned Tobacco products worth about Rs.4,00,000/-. He also submitted that there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.



Crl.O.P.No.8208 of 2023

WEB COPY

5.At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defense and contention, are ready and willing to deposit an amount of Rs.1,00,000/- each to any welfare scheme run by the Government. Hence, he prays for grant of bail to the petitioners.

6.Heard the learned counsel for the petitioners 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 petitioners, the petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakhs Only) each to the credit of "**The Head Master, The Andipatti Government Higher Secondary School, Theni District,**", without prejudice to their rights and contentions before the trial Court.



Crl.O.P.No.8208 of 2023

8. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their 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 and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.1,00,000/- each to the credit of **"The Head Master, The Andipatti Government Higher Secondary School, Theni District"**, this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail on condition to make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakhs only) each by way of **Demand Draft/RTGS/NEFT to "The Head Master, Andipatti Government Higher Secondary School, Theni District"** 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.10,000/- (Rupees Ten thousand only) each with two sureties**, each for a like sum to



Crl.O.P.No.8208 of 2023

the satisfaction of the learned **Judicial Magistrate Court, Vedharanyam, Nagapattinam District**, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30, a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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]***;



Crl.O.P.No.8208 of 2023

A.D.JAGADISH CHANDIRA.,J.

gbi

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

17.04.2023

gbi

To

- 1.The Judicial Magistrate Court,
Vedharanyam, Nagapattinam District.
- 2.The Inspector of Police,
Thalaignayiru Police Station,
Nagapattinam District.
3. The Sub Jail, Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.8208 of 2023