



WEB COPY



Crl.O.P.No.8490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

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

Crl.O.P.No.8490 of 2023

Sudhakar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vikkiramangalam Police Station
Ariyalur District.

(Crime No.58 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.58 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Jayaprakash

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



Crl.O.P.No.8490 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.03.2023, for the offences punishable under Sections 272, 273, 328 of IPC r/w Section 59 of Food Safety Standards Act, 2006 and 7(5), 20(2) of the Cigarette and other Tobacco Products Act, 2003, in Crime No.58 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused was in illegal possession of banned tobacco products vis., 800 packets of Hans, 1350 Vimal Packets, 1350 Assists Packets and 32 Packets of Cool lip. The respondent has arrested the accused and seized the contraband from him. Hence, the case.

3. 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 the petitioner is no way connected with the alleged offence, whereas, he was arrested on 27.03.2023 and he is in custody for more than 20 days. Hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.8490 of 2023

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of banned tobacco products which valued about more than Rs.2 lakhs. He further submitted that no previous case is pending against the petitioner, however, he opposed for grant of 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.1 lakh to any welfare scheme run by the Government. He further stated that the petitioner is ready to abide by any other 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. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of



Crl.O.P.No.8490 of 2023

Rs.1,00,000/- (Rupees One lakh only) to the credit of "The Dean/Medical Officer, Government District Head Quarters Hospital, Ariyalur", 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 and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,00,000/- to the credit of the "Government District Head Quarters Hospital, Ariyalur", 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.1,00,000/- (Rupees One Lakh only) **by way of RTGS/NEFT to the credit of "The Dean/Medical Officer, Government District Head Quarters Hospital, Ariyalur",**



Crl.O.P.No.8490 of 2023

without prejudice to his 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 thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Jayankondam**, 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, everyday 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



WEB COPY



Crl.O.P.No.8490 of 2023

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.

18.04.2023

ham

To

1. The Judicial Magistrate No.I,
Jayankondam.
2. The Inspector of Police,
Vikkiramangalam Police Station,
Ariyalur District.
3. The Sub Jail,
Jayankondam.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8490 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.8490 of 2023

18.04.2023