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CrI.O.P.No.11954 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

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

CrI.O.P.No.11954 of 2023

Suresh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-11, CMBT Police Station,
Chennai.

(Crime No.247 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 Crime
No.247 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Ramesh Babu

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.05.2023, for the offences punishable under Sections 328 of IPC and 24 (1) of the Cigarette and other Tobacco Products Act, 2003, in connection with Crime No.247 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the accused had illegally transported banned tobacco products weighing about 855 kilograms in the vehicle bearing registration no.TN-18-AU-7524. 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 the driver of the vehicle and he is no way connected with the alleged offence, whereas, he is in custody from 09.05.2023. Hence, he prayed for grant of bail to the petitioner.



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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 weighing about 855 kilograms. He further submitted that no previous case is pending as against the petitioner. Therefore, he vehemently 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 make a non-refundable deposit of Rs.2,00,000/- to any welfare scheme run by the Government. 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



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Rs.2,00,000/- (Rupees Two lakhs only) to the credit of "M/s. The Tamil Nadu Juvenile Justice Fund", 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.2,00,000/- to the credit of "M/s. The Tamil Nadu Juvenile Justice Fund", 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.2,00,000/- (Rupees Two lakhs only)** directly to the credit of **"M/s. The Tamil Nadu Juvenile Justice Fund, A/C No.358001000000671, IFSC: IOBA0001288, MICR:**



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600020073, Indian Overseas Bank, SME Kilpauk Branch, Address:

No.20, Ormes Road, Kilpauk, Chennai 10", 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**, each for a like sum to the satisfaction of the **learned V Metropolitan Magistrate, Egmore, 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, everyday at 10.30 a.m., and 05.30p.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



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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.

01.06.2023

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To

1. The V Metropolitan Magistrate, Egmore,
Chennai.
2. The Inspector of Police,
K-11, CMBT Police Station,
Chennai.
3. The Central Prison,
Puzhal - II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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