



Crl.O.P.No.13404 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

Crl.O.P.No.13404 of 2023

1.Karthick @ Yuvaraj

2.Karthikeyan

... Petitioners

Vs.

The State represented by,  
The Inspector of Police,  
Saravanampatty Police Station  
Coimbatore District.

(Crime No.257 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.257 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : Mr.S.Ramesh

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



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 28.05.2023, for the offences punishable under Sections 328 IPC r/w 24(1) of Cigarette and other Tobacco Products Act, 2003, in Crime No.257 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused were in illegal possession of banned tobacco products vis., Hans, Ganesh, Cool lip, Dhara, Pauch Vimal and V-1 Tobacco. The respondent has arrested the accused and seized the contraband from them worth about Rs.24,000/-. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are in no way connected with the alleged offence, whereas, they were arrested on 28.05.2023 and they were in judicial custody for more than 20 days. Hence, he prayed for grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were found to be in illegal possession of banned tobacco products which valued about more than Rs.24,000/-. He further submitted that no previous case is pending against the petitioners, however, he opposed for grant of bail to the petitioners.

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.20,000/- to any welfare scheme run by the Government. He further stated that the petitioners are ready to abide by any other stringent conditions that may be imposed by this Court. 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



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Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "The Dean/Medical Officer, Government Medical College and Hospital, Coimbatore", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners have 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 petitioners have come forward to deposit an amount of Rs.20,000/- to the credit of the "The Dean/Medical Officer, Government Medical College and Hospital, Coimbatore", 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.20,000/- (Rupees Twenty Thousand only) **by way of RTGS/NEFT to the credit of "The**



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**Dean/Medical Officer, Government Medical College and Hospital, Coimbatore**”, 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 separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) each** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Coimbatore**, 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., 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 petitioners in accordance with law as if the conditions have been imposed and the



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petitioners 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.

19.06.2023

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To

1. The Judicial Magistrate No.II,  
Coimbatore.
2. The Inspector of Police,  
Saravanampatty Police Station  
Coimbatore District.
3. The Central Prison,  
Coimbatore.
4. The Public Prosecutor,  
High Court of Madras.



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

*drl*

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