



Crl.O.P.No.13513 of 2023

WEB COPY

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.13513 of 2023

1. Manjunath
2. Vishal Raj
3.Kothandaramiah

... Petitioners

Vs.

The State represented by its,
The Inspector of Police,
Deevattipatti Police Station
Salem District.

(Crime No.348/2023).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime No.348
of 2023 on the file of the respondent.

For Petitioners : Mr.C.Deepakkumar

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



Crl.O.P.No.13513 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.06.2023 for the offences punishable under Sections 7, 20(2) of Cigarette and other Tobacco Products Act 2003 r/w Section 273, 328 of IPC in Crime No.348 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 04.06.2023, while the respondent Police and his team were on routine rounds, the petitioners along with the other were found in possession of 200 packets of banned tobacco products, worth about rupees four thousand. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that without prejudice, the petitioners are prepared to deposit the value of the contraband to any welfare scheme of the Government and hence, he prays for grant of bail to the petitioners.



Crl.O.P.No.13513 of 2023

WEB COPY

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that on 04.06.2023, when the respondent Police and his team were on routine rounds, the petitioners were found in illegal possession of 200 packets of banned tobacco products, worth about Rs.4,000/-. He would further submit that there are two previous cases pending against the petitioners A1 and A2 and there is no case pending against A3. Therefore, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. In order to curb the illegal activities of smuggling of tobacco products, this Court is of the opinion that the petitioners shall jointly deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each as a non refundable deposit to "The Dean, Government Medical College and Hospital, Krishnagiri District", without prejudice to their rights and contentions before the trial Court.



Crl.O.P.No.13513 of 2023

WEB COPY

7. 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.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioners are prepared to deposit Rs.20,000/- each to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions.

9. 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) each by way of Demand Draft/RTGS/NEFT to the "The Dean, Government Medical College and Hospital, Krishnagiri 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 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 Court, Omalur** and on further conditions that:



Cr.O.P.No.13513 of 2023

[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 daily 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 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

drl



Crl.O.P.No.13513 of 2023

To
WEB COPY

1. The Judicial Magistrate Court,
Omalur.
2. The Inspector of Police,
Deevattipatti Police Station
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.13513 of 2023

A.D.JAGADISH CHANDIRA.,J.

drl

Crl.O.P.No.13513 of 2023

19.06.2023