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Crl.O.P.No.16447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.16447 of 2023

Rataram Dewasi

...Petitioner

Vs.

The State rep by,
The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
(Crime No.252/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to grant bail to the petitioner pending investigation in Crime No.252 of 2023 on the file of the Respondent police.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.06.2023 for the offences punishable under Sections 7(5), 20(2) of Cigarette and Other Tobacco Products Act 2003 read with 328 of IPC in Crime No.252 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.252 of 2023 for the offences under Sections 7(5), 20(2) of Cigarette and Other Tobacco Products Act 2003 read with 328 of IPC. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 25.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, petitioner was found in illegal possession of tobacco product like Hans 30 big packets (each containing 15 small packets) on 25.06.2023, at about 13.00 hrs near Ramalingam Madam, Arcot – Kalavai road. The tobacco product was seized. There is



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no similar previous case pending against the petitioner. However, he prays for dismissal of this bail petition.

4. Considering the nature of the allegations made against the petitioner, and that the tobacco product was seized and that there is no similar previous case against the petitioner and that, the petitioner is in judicial custody from 25.06.2023, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif-Cum-Judicial Magistrate, Arcot, Ranipet 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 petitioner without prejudice to his defence shall deposit a non-refundable sum of **Rs.10,000/-** (Rupees Ten Thousand Only), by way of Demand Draft to the Cancer Institute (WIA), East



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Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner deposits 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.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

24.07.2023

mpl

To

- 1.The District Munsif-Cum-Judicial Magistrate,
Arcot, Ranipet District.
- 2.The Sub Jail,
Walajapet.
- 3.The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

mpl

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