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Crl.O.P.No.16865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

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

Crl.O.P.No.16865 of 2023

Vikramsing

...Petitioner

Vs.

State by,
Inspector of Police,
Arcot Town Police Station,
Ranipet District.
(Crime No.260 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail against the case pending on the file of the Respondent police in Crime No.260 of 2023.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2023 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.260 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.260 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 05.07.2023. 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 198 Kgs of tobacco products viz., 12 big sacks containing



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Hans – (each sack contains, 15 x 50 packets, so totally 9000 packets), 4 big sacks containing Vimal– (each sack contains, 50 x 30 packets, so totally 6000 packets) and 1 big sack containing V1 TOBACCO – (each sack contains, 50 x 30 packets, so totally 1500 packets), at about 8.00 a.m., on 05.07.2023, in a vehicle bearing No.TN 21 AH 7024, near Arcot Greenthunder in Arcot – Chennai to Vellore National Highways. The vehicle and the tobacco product were seized. There is no similar previous case pending against the petitioner.

4. Considering the fact that this is first offence committed by the petitioner under Sections 7(5), 20(2) of Cigarette and Other Tobacco Products Act 2003 read with 328 of IPC, and that the tobacco product and vehicle were seized and that there is no similar previous case against the petitioner and that, the petitioner is in judicial custody from 05.07.2023, 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 Judicial**



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Magistrate, Arcot 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.50,000/-(Rupees Fifty Thousand Only), by way of Demand Draft to the Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009. Tamil Nadu, India, Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F 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.



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[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 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.

28.07.2023

mpl

To

- 1.The Judicial Magistrate,
Arcot.
- 2.The Sub Jail,
Walajah.
- 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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