



Crl.O.P.No.18550 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

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

Crl.O.P.No.18550 of 2023

N.Govindharaj

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Crime No.399 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in connection with Crime No.399 of 2023 on the file of respondent herein.

For Petitioner : Mr.R.Dinesh Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.06.2023 for the offence punishable under Sections 7, 20(2) of Cigarette and other tobacco products Act, r/w Section 273 and 328 IPC in Crime No.399 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.399 of 2023 for the offences under Sections 7 and 20(2) of Cigarette and Other Tobacco Products Act, 2003 r/w Sections 273 and 328 of IPC. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 27.06.2023. Thus, he prays for grant of bail.

3. In response, learned Additional Public Prosecutor submitted that, accused were found in illegal possession of 456 Kgs of banned tobacco products like HANS tobacco weighing 300gms (1267 packets), COOL LIP tobacco weighing 113.4 gms (108 packets), Ganesh tobacco weighing 240 gms (3 packets), SWAGAT tobacco weighing 25 gms (58 packets), Shanthi pan masala weighing 138 gms (204 packets), Vimal



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pan masala weighing 84 gms (240 packets), V1 Jartha weighing 30 gms (233 packets), SH-I jartha weighing 30 gms (200 packets), on 27.06.2023, at about 12.30 p.m., in an Auto bearing registration No.TN 29 BB 4492, near Sethupathai R.G. Petrol Bunk, Deevattipatti. petitioner/A1 is the owner of the goods and A2 is an employee of A1, who helped in carrying the goods. The tobacco products and the vehicle are seized. There is no previous case pending against the petitioner. Investigation in this case is not completed. This is the 2nd bail petition. Earlier petition filed by the petitioner in Crl.O.P.No.15943 of 2023 was dismissed by this Court on 24.07.2023. Petitioner is in judicial custody from 27.06.2023.Hence, he prays for dismissal of this petition.

4. Considering the fact that, there is no previous case pending against the petitioner, that he is in judicial custody from 27.06.2023, and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions 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



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two sureties, each for a like sum to the satisfaction of the **Judicial Magistrate Court, Omalur** 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/-, 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 morning at 10.30 a.m., until



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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 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.

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gd/gvn

To

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1. The Judicial Magistrate Court,
Omalur.

2. The Inspector of Police,
Deevattipatti Police Station,
Salem District.

3. Central Prison,
Salem.

4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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