



WEB COPY



CrI.O.P.No.27630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

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

CrI.O.P.No.27630 of 2024

Shaheena

... Petitioner

Vs.

State rep. by
The Sub-Inspector of Police,
Vaniyambadi Town Police Station,
Tirupattur District.
(Crime No.601 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.601 of 2024, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.V.Krishnamoorthy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)



Crl.O.P.No.27630 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.10.2024 for the offences punishable under Sections 6(a), 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 123 of the BNS, 2023 in Crime No.601 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products such as 5kg 400g of CHAAP TOBACCO HANS, 3kg 525g of Vimal Pan Masala, 352.5g of V1 TOBACCO. Hence the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



Crl.O.P.No.27630 of 2024

respondent police submitted that the petitioner was found in illegal possession of banned tobacco products such as 5kg 400g of CHAAP TOBACCO HANS, 3kg 525g of Vimal Pan Masala, 352.5g of V1 TOBACCO. He further submitted that no previous case is pending as against the petitioner. However, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to her defense and contention, is ready and willing to deposit an amount of Rs.10,000/- as non-refundable deposit to any welfare scheme of the Government or to any shelter home. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to "The



CrI.O.P.No.27630 of 2024

Dean/Medical Officer, Government Vellore Medical College Hospital, Adukkamparai, Vellore", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of her 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 considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten thousand only)** by way of **RTGS/NEFT to the "The Dean/Medical Officer, Government Vellore Medical College Hospital, Adukkamparai, Vellore"**, without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to



CrI.O.P.No.27630 of 2024

be released on bail on his executing a bond for a sum of **Rs.10,000/-**
(Rupees Ten thousand only) with **two sureties**, each for a like sum to the
satisfaction of the **Judicial Magistrate Court, Vaniyambadi, Tirupattur**
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 shall report before the
respondent Police everyday at 10.30 a.m., until further
orders;

[c] the petitioner shall not abscond either during
investigation or trial;

[d] the petitioner 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 petitioner in accordance
with law as if the conditions have been imposed and the
petitioner released on bail by the learned Magistrate/Trial



Crl.O.P.No.27630 of 2024

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 absconds, a fresh
FIR can be registered under Section 269 of BNS.

nsI

04.11.2024



WEB COPY



Crl.O.P.No.27630 of 2024

A.D.JAGADISH CHANDIRA.,J.

nsf

To

1. Judicial Magistrate Court, Vaniyambadi, Tirupattur
2. The Inspector of Police,
Vaniyambadi Police Station,
Tirupattur District.
3. Special Prison for Women, Vellore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27630 of 2024

04.11.2024