



CRL OP NO. 32044 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32044 of 2024

Yuvraj Singh Champawat
S/o. VIKRAM SINGH, DASPA, DASPAN, JALOR,
RAJASTHAN.

Petitioner(s)

Vs.

State Rep By The Inspector Of Police
Omalur Police Station, Salem District
(Crime No. 157 Of 2024)

Respondent(s)

For Petitioner(s):

CAMYLES GANDHI W

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7, 20(i) of Cigarette and Other Tobacco Products Act, 2003 r/w Section 279, 273 and 328 of the Indian Penal Code, 1860 and Sections 52 and 59 of Food Safety and Standards Act, 2006, in Crime No.157 of 2024, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that during a routine night patrol, the de-facto complainant/respondent police found the petitioner in illegal possession of 350 kg banned tobacco products. Hence, this case.

3. The learned counsel for the petitioner submits that the petitioner is merely the owner of the car and he is no way connected to the alleged offences as claimed by the prosecution, and he has been falsely implicated in this case. He further submitted that, without prejudice to his contentions, the petitioner is willing to deposit a non-refundable amount of Rs.25,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent Police opposed the granting of anticipatory bail to the petitioner, stating that the quantity of tobacco products involved in this case is 350 kg. The contraband which was seized from the Car, of which the petitioner is the owner, and no previous case is pending against him. Further, the petitioner is also willing to abide by any stringent conditions.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent and perused the materials available on record.



6. Taking into consideration the facts and circumstances of the case and the quantity involved in this case, and illegally transported vehicle and the contraband were seized and also taking note of that, the petitioner has no previous cases, and he is only owner of the car, this Court is inclined to grant anticipatory bail to the petitioner. However, in order to curb illegal activities and taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of District Legal Services Authority, Salem District, without prejudice to his rights and contentions before the trial Court.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Salem District**, and on such deposit and on receipt of proof of payment, the



petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate, Omalur*, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner and 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 daily at 10.30 a.m., until further orders.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against



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the petitioner in accordance with law as if the conditions have been imposed and the petitioner was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

02.01.2025

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To

1. State Rep By The Inspector Of Police
Omalur Police Station, Salem District
(Crime No. 157 Of 2024)



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A.D. JAGADISH CHANDIRA, J.

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