

Crl.O.P.No10707 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 7(5) of Tobacco Prevention of Cigarette & Others and Tobacco Act, 2003 altered to 328 IPC in Crime No.272 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel on either side.

3. Learned counsel for the petitioners submitted that the petitioners are innocent of the said offence and that they have been falsely implicated in this case.

4. The case of the prosecution is that the petitioners along with the other accused were found in possession of 160 Bundles of Tobacco Hans Pockets illegally.

5. Learned Government Advocate (Criminal Side) would submit that there is no previous case against the petitioners and that the entire contraband were seized.

6. Considering the facts and circumstances of the case and also taking note of the fact that no previous case against the petitioners herein, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of **fifteen (15) days** from the date of receipt of a copy of this order, **before the learned Judicial Magistrate, Ranipet**, on condition that each of them shall execute a bond for a sum of Rs.10,000/-

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(Rupees Ten Thousand only) with two sureties each 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 and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

[d] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners 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]**.

20.06.2016

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