



Crl.O.P.No.15498 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 328 IPC in Crime No.34 of 2022, seeks anticipatory bail.

2. There are totally three accused in this case, in which the petitioner is arrayed as A3. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 946 Kgs of banned tobacco products meant to be sold to the public. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that accused/A2 was arrested and released on bail. However, on instructions, he would further submit that the petitioner is ready to deposit as sum of Rs.1,00,000/- to the Chief Justice Relief Fund, High Court, Madras as non-refundable



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deposit and prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in illegal possession of 946 Kgs of banned tobacco products and the petitioner is the partner of accused/A2. He would further submit that earlier two anticipatory bail petitions were dismissed as withdrawn and this is the third anticipatory bail petition. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the fact that petitioner has come forward to deposit an amount of Rs.1,00,000/- to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit, within a period of four weeks from the date on which the order copy made ready, and on such



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deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.VII, Coimbatore District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the blood related 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit, within a period of four weeks from the date on which the order copy made ready and the receipt of such deposit shall be produced before the concerned learned Magistrate at the time of execution of bond.



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[c] the petitioner shall stay at Villupuram and report before the Villupuram Police Station daily at 10.30 a.m for a period of four weeks thereafter appear before the respondent police daily at 10.30 a.m for a period of two weeks until further orders.

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

[e] the petitioner shall not abscond 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 abscond, a fresh FIR can be registered under Section 229A IPC.

05.07.2022

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