



Crl.O.P.No.15480 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 273, 328 IPC and U/s 20(2) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.143 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal transportation of banned tobacco products worth about Rs.13,00,000/- in the Bolero Pickup van. 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 based on the confession statement given by the co-accused. Further, accused/A1 and A2 were 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

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Relief Fund, High Court, Madras as non-refundable deposit and prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in illegal transportation of banned tobacco products worth about Rs.13,00,000/-. He further submitted that the petitioner herein is the owner of the contraband. 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-I, Mettur, Salem, on condition that the petitioner shall execute 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 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 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.

[c] the petitioner shall stay at Ulunthurpet and appear before the Ulunthurpet Police Station twice daily at 10.30 a.m. and 5.30 p.m., for a



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period of four weeks and thereafter appear before the respondent police for a period of two weeks thereafter as and when required for interrogation.

[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.

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