



Crl.O.P.No.15779 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sec.6(b) r/w 24(1) of COTPO Act and Sec.77 of J.J. Act in Crime No.2216 of 2021 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of banned tobacco products and sold the same to school students. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner has been falsely implicated in this case and he is ready to cooperate with the investigation. He would further submit that the other accused A2 and A3 were arrested and released on bail and this is the third petition seeking for anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that the petitioner is having four previous cases and if he is released on anticipatory bail, he will abscond and tamper the witnesses. He would also submit that this is the third petition seeking for anticipatory bail. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, and considering the fact that the investigation is almost completed and the other accused A2 and A3 were released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 XV Metropolitan Magistrate, George Town, Chennai, on condition that **the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand**



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only) to the credit of High Court Legal Services Committee, Chennai

and 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 report before the respondent police daily at 10.30 a.m. for the period of three months.

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

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



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[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 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 229A IPC.

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