



Crl.O.P.No.15884 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 353, 273 IPC r/w Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.132 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 77 Kgs of banned tobacco products worth about Rs.1,00,000/-. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, on instructions, he would further submit that the petitioners are ready to deposit as sum of Rs.25,000/- each to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit and prays for grant of anticipatory bail.



CrI.O.P.No.15884 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioners were found in illegal possession of 77 Kgs of banned tobacco products worth about Rs.1,00,000/-. He further submit that there are no previous cases pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the fact that petitioners have come forward to deposit an amount of Rs.25,000/- each, to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Villupuram, on condition that the



CrI.O.P.No.15884 of 2022

WEB COPY

petitioners shall execute a separate 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 petitioners 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 petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit, within a period of two 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 petitioners shall appear before the respondent police daily at 10.30 a.m and 5.30 a.m for a period of four weeks and thereafter as and when required for interrogation.



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Crl.O.P.No.15884 of 2022

G.K.ILANTHIRAIYAN, J.

Anu

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

[e] the petitioners 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 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

08.07.2022

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Crl.O.P.No.15884 of 2022