



Crl.O.P.No. 16258 of 2022

Crl.O.P.No. 16258 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 353 of IPC and Section 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No. 71 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 6 bags of banned Tobacco Products illegally worth about Rs.3,40,000/-. Hence the compliant.

3. The learned counsel appearing for the petitioners would submit that the case has been foisted against the petitioners and they are no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that there are totally four accused involved in this case, in which the petitioners are arrayed as A3 and A4 and they are the purchaser of the total contraband. He would further submit that there is no previous case pending against the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



WEB COPY

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each as non refundable deposit to the credit of the Chief Justice Relief Fund, Tamil Nadu, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned District Munsif-cum-Judicial Magistrate, Gummadipondi, Thiruvallur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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;



CrI.O.P.No. 16258 of 2022

[b] the petitioners shall deposit Rs.50,000/- (Rupees Fifty Thousand only) each as non refundable deposit to the credit of the Chief Justice Relief Fund, Tamil Nadu.

[c] the petitioners shall stay at Krishnagiri and report before the Inspector of Police, Krishnagiri Town Police Station, Krishnagiri daily at 10.30 a.m. and 05.30 p.m. until further orders.

[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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

15.07.2022

Lpp



WEB COPY



CrI.O.P.No. 16258 of 2022

G.K.ILANTHIRAIYAN,J.

Lpp

CrI.O.P.No.16258 of 2022

15.07.2022