



Crl.O.P.No.16094 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 353, 506(i) and 24(1) of COTPA Act of IPC in Crime No.266 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 02.07.2022, during regular check up, the respondent police found the co-accused with the possession of banned tobacco products and he confessed the petitioner's name to the respondent police. 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. On instructions, he would further submit that the petitioner is ready and willing to deposit an amount of Rs.50,000/- to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit and prays for grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that there are totally two accused and the petitioner is arrayed as A1. He further submitted that petitioner is the owner of the contraband. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.50,000/-(Rupees Fifty Thousand only) 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.50,000/- (Rupees Fifty Thousand 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 deposit the petitioner is ordered to be released on bail in the event



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of arrest or on their appearance, before the learned XV Metropolitan Magistrate, George Town, Chennai 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.50,000/- (Rupees Fifty Thousand 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 Dharmapuri and report before the Inspector of Police, Dharmapuri Town Police Station, Dharmapuri twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

12.07.2022

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