



Crl.O.P.No. 16487 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 of IPC and Section 6, 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No. 175 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 100 Kgs of banned Tobacco Products illegally. Hence the compliant.

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

4. The learned Additional Public Prosecutor submitted that there are totally three accused involved in this case. As far as this petitioner is concerned, he is the owner of the contraband and he is arrayed as A3. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



CrI.O.P.No. 16487 of 2022

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

6. Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of the Chief Justice Relief Fund, Tamil Nadu, and on such deposit, 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 is made ready, before the learned Judicial Magistrate No.III, Salem, on condition that the petitioner shall execute a 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 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;



CrI.O.P.No. 16487 of 2022

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

[c] the petitioner shall report before the respondent police daily Morning at 10.30 a.m., and Evening at 5.30 p.m. for a period of four weeks and 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]*; and;

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

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CrI.O.P.No. 16487 of 2022

G.K.ILANTHIRAIYAN,J.

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CrI.O.P.No.16487 of 2022

15.07.2022