



CrI.O.P.No. 16439 of 2022

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WEB CO **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehend arrest for the alleged offences under Sections 7(1) r/w 24(1) of Cigarette and other Tobacco Products Acts, 2003 and Section 328 of IPC in Crime No. 407 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. There are totally four accused in this case, in which the petitioner is arrayed as A4. The case of the prosecution is that the petitioner had illegally transported 50 kgs of banned Tobacco products. Hence, a case was registered against the petitioner.

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. Hence, prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was in possession of 50 kgs of banned tobacco products. He further submitted that there are two previous cases pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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

6. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 made ready, before the learned Judicial Magistrate No.II, Coimbatore, 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 Rs.25,000/- (Rupees Twenty Five



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Thousand only) as non refundable deposit to the credit of the Chief Justice Relief Fund, Tamil Nadu.

[c] the petitioner shall stay at Athur and report before the Athur Town Police Station daily at Morning 10.30 a.m and Evening at 5.30 p.m. for a period of four week, thereafter report before the respondent police daily at 10.30 a.m. for a period of two 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]**.

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

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