



Crl.O.P.No. 16409 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 Section 328 of IPC, Sections 7 and 20(1) of Cigarette and other Tobacco Products Act, 2003 and Sections 52 and 59 of Food Safety and Standards Act, 2006, in Crime No. 71 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner transported 1008 Kgs of banned tobacco products in lorry without getting any permission or license. Hence the compliant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person 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 9 accused involved in this case. As far as this petitioner is concerned, he is the owner of the vehicle and he is arrayed as A5. He would also submit that the petitioner has no previous case against him. Hence, he



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vehemently opposed to grant anticipatory bail to the petitioner.

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.1,00,000/- (Rupees One Lakh 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.I, Krishnagiri, 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.1,00,000/- (Rupees One Lakh



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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 at 10.30 a.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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