



Crl.O.P.No.17055 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 7(5) and 20(2) of Cigarette and other Tobacco Products Act, 2003 r/w Section 328 of IPC, in Crime No.416 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent Police and their team were on regular patrol, they found a person who was illegally transporting banned tobacco products. On his arrest they found that the petitioner herein is a seller of those tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner would submit that already the petitioner was granted anticipatory bail by this Court on 07.01.2022. The petitioner was directed to deposit a sum of Rs.10,000/- to the credit of **the Registered Advocate Clerk Association, Kancheepuram District**, within a period of two weeks from the date of receipt of a copy



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of the order. However, the petitioner was unable to deposit and execute the sureties within the time stipulated by this Court. Therefore, the petitioner has again filed the present petition seeking for anticipatory bail.

4. The learned Additional Public Prosecutor admitted that the petitioner was earlier granted anticipatory bail by this Court. However, the petitioner has not executed the sureties as directed by Court.

5. Considering the above fact 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.10,000/- (Rupees Ten Thousand only) to the credit of **the Registered Advocate Clerk Association, Kancheepuram District**, within a period of two weeks from the date of receipt of a copy of this order 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



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on which the order copy made ready, before the Judicial Magistrate Court No.5, Vellore, 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.10,000/- (Rupees Ten Thousand only) by way of Demand Draft to **the Registered Advocate Clerk Association, Kancheepuram District**, within a period of two weeks from the date of receipt of a copy of this order and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders and co-operate for investigation.

[d] the petitioner shall not tamper with evidence or witness either



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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.

21.07.2022

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**G.K.ILANTHIRAIYAN, J.**



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