



Crl.O.P.No.17119 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offences under Section 77 of the Juvenile Justice (Care and Protection of Children) Act 2015 and Section 6, 24(1) of Cigarette and Other Tobacco Products Act 2003 in Crime No.311 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the on 30.06.2022 at about 11.30 hours, when the respondent police conducted inspection in the petitioner's shop namely Maruti Trading Shop, SR Pettai, Trichy Main Road, Dadagapatty, Salem, seized one polythene bag contained banned tobacco products (83 bundles) each bundle contained 15 small hans packets kept (each packet weighed 20 grms), arrested the sales man/A1/Kishan and thereafter, A1 confessed that the petitioner is owner of the shop who kept the seized contraband and instructed A1 to sell the said banned tobacco products. Hence, a case was registered against the



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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 based on the confession statement given by A1. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the owner of the shop who kept the seized contraband and instructed A1 to sell the said banned tobacco products . Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions made by the learned counsels, 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



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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.IV, Salem,*** 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.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 stay at **Kalpakkam, Chengalpet District** and report before the **Inspector of Police, Town Police Station, daily twice at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter, the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.**



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[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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