



Crl.O.P.No.18444 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 353, 328 of IPC r/w 7 and 20(1) of COTPA Act 2003 and under Section 4(1)(a)r/w 4(1-A) of TNP Act in Crime No.269 of 2022 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons was found in possession of 298 kgs of contraband tobacco products worth about Rs.4,22,080/- and 48 pockets of carnival dry gin worth about Rs.5,373/-. 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. On instructions, he would further submit that the petitioner is ready to donate a sum of Rs.50,000/- to the credit of the RAY OF LIGHT FOUNDATION, Chennai and prays for grant of anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons was found in possession of 298 kgs of contraband tobacco products worth about Rs.4,22,080/- and 48 pockets of carnival dry gin worth about Rs.5,373/-.. 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 and also taking note of the fact that the petitioner has come forward to donate a sum of Rs.50,000/- to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall donate a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034;



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Ph No.8939065431 and on such donation the petitioner shall be released 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-II, Hosur*** 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 donate a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034;
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[c] the petitioner shall report before the respondent police twice at 10.30 a.m., and 5.30 p.m., until further orders .

[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.

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