



Crl.O.P.No.18937 of 2022

WEB COPY

Crl.OP.No.18937 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offences under Section 7 and 20(i) Cigarette and Other Tobacco Products Act 2003 r/w 328 of IPC in Crime No.169 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 was found in illegal possession of banned tobacco products worth about Rs.1,33,590/-. 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 based on the confession statement given by A1, he has been falsely implicated in this case. He would further submit that this Court granted bail to the co-accused vide order dated 21.07.2022 in Crl.OP.No.16970 of 2022 and A1 also deposited a sum of Rs.75,000/- as directed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



CrI.O.P.No.18937 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioner is the owner of the shop, in which, the respondent police seized the banned tobacco products worth about Rs.1,33,590/- . 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.75,000/- (Rupees Seventy 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-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



CrI.O.P.No.18937 of 2022

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.75,000/- (Rupees Seventy Five Thousand 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 twice at 10.30 a.m., and 5.30 p.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



Crl.O.P.No.18937 of 2022

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.

11.08.2022



WEB COPY



Crl.O.P.No.18937 of 2022

G.K.ILANTHIRAIYAN, J.

Vv

Crl.OP.No.18937 of 2022

11.08.2022