



Crl.O.P.No.19024 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 273, 328, 511 of IPC r/w 6(b), 24(1) of Cigarette and Other Tobacco Products Act 2003 in Crime No.207 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. Totally, there are five accused involved in this case, in which, the petitioner has been arrayed as A3 and he is the father of co-accused of A1 and A2. The case of the prosecution is that the petitioner's son A1 and A2 had illegally transported 150 kgs of banned tobacco products by using Mahindra Bolero Pickup bearing Reg.No.TN-73-AE-3200. Hence, a case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail on 18.05.2022 in Crl.O.P.No.11378 of 2022. Due to personal inconvenience, the petitioner was not able to execute the sureties and therefore, the petitioner has again filed the present petition seeking for anticipatory bail. On instructions, he



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would further submit that the petitioner is ready to deposit an amount of **Rs.5,000/-** to the credit of the **Tamil Nadu Legal Services Authority** and prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor 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 deposit an amount of **Rs.5,000/-** to the credit of the **Tamil Nadu Legal Services Authority**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.5,000/-** (Rupees Five Thousand only) as non refundable deposit to the credit of the **Tamil Nadu Legal Services Authority** 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-II, Salem*** on condition that the petitioner shall execute a bond for a sum of



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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.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft as non refundable deposit to the Arignar Anna Memorial Cancer Hospital and Research Institute, Kancheepuram.

[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



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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



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