



Crl.O.P.No. 19274 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 and 20(1) of Cigarette and other Tobacco Products Act, 2003 and Section 506(I) of IPC, in Crime No.282 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused were found in possession of 13.452 Kgs of banned tobacco products illegally near Coimbatore Railway Station. Hence the compliant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that based on the confession statement of the co-accused, the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) submitted that there are 6 accused involved in this case in which the petitioner is arrayed as A5. The petitioner and other accused were found in possession of 13.452 Kgs of banned tobacco products illegally near Coimbatore Railway Station. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, 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 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.III, Coimbatore, 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



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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 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 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]*; and;



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[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

16.08.2022

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