



CrI.O.P.No.19968 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offences under Section 328 of IPC and Section 20(2) of COTPA Act 2003 in Crime No.151 of 2022 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the respondent went to the place of occurrence and found that A1 was indulged in the sale of the banned tobacco products and he was arrested and from him 3 kg of Maava was seized. During enquiry, he gave statement that with the knowledge of his landlord, he is manufacturing Maava by mixing the toxic substance in the tenanted premises. Based on his statement, the police went in search of the premises and seized 11 kgs of Jardha, Supari-3Kg mixie and cash Rs.3950/-. 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. He would further submit that based on the confession statement of the co-accused/A1, he has been



CrI.O.P.No.19968 of 2022

WEB COPY

implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that there are totally 2 accused in which the petitioner is arrayed as A2 and he is owner of the house where the banned tobacco products were found. 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 counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148, 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



CrI.O.P.No.19968 of 2022

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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 a sum of Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to the credit of COVID-19 SALEM DISTRICT; SB.A/c No : 190601000434; IFSC code : ICIC0006119; The Personal Assistant (General) to the Collector, Collectorate, Room No.117, First Floor, Salem-636 001, Ph.No.9445008148.

[c] the petitioner shall report before the respondent police daily at 10.30 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.



Crl.O.P.No.19968 of 2022

WEB COPY

[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.

24.08.2022

Vv

G.K.ILANTHIRAIYAN, J.



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Crl.O.P.No.19968 of 2022

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Crl.O.P.No.19968 of 2022

24.08.2022