



Crl.O.P.No.19968 of 2022

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Crl.O.P.No.21016 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 273, 328 of IPC 1860 r/w Section 24(1) of COTPA Act 2003 in Crime No.305 of 2022 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 147 kgs of tobacco products. Hence, a case was registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent persons and he has not committed any such offence as alleged by the prosecution and he has falsely implicated in this case.



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4. The learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner by stating that the petitioner was found in illegal possession of 147 kgs of banned tobacco products and the same was seized from the car. He would further submit that this Court dismissed the petitioner's earlier anticipatory bail petition vide order dated 11.08.2022 in Crl.OP.No18704 of 2022.

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 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 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



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period of fifteen days from the date on which the order copy made ready, before the *learned District Munsif-Cum-Judicial Magistrate Court, Porto Novo* 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 the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty 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 on daily at at 10.30 for a period of four weeks and thereafter as and when required.



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[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]**.

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

02.09.2022

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