



Crl.O.P.No.21171 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 271 & 328 of IPC and 7(1) & 20(2) of Cigarette and other Tobacco Products Act, 2003 in Crime No. 238 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police while on routine check up on 27.08.2022 at about 00.45 p.m., surrounded the vehicle of the co-accused and seized 75 Kilograms of banned tobacco products and arrested the accused. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.1,00,000/- to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, and prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was found in possession of banned tobacco products and the respondent police have seized 75 kgs of banned tobacco products worth about Rs.3,78,000/-. He would further submit that there are no other cases pending against the petitioner. Therefore, 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 and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,00,000/- to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute**,



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Kancheepuram, 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, Tiruppur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 automatically 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.1,00,000/- (Rupees One Lakh only) by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.



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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.

05.09.2022

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