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Crl.OP.Nos.24225 & 24230 of 2022

Crl.O.P.Nos.24225 & 24230 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 7, 20(1) of Cigarette and other Tobacco Products Act, 2003, Section 52, 59 of Food Safety and Standards Act, 2006 and Section 328 IPC in Crime No.128 of 2022 on the file of the respondent police, seek anticipatory bail.

2. There are totally twenty one accused in this case, in which the petitioners are arrayed as A3, A4, A6, A13 and A10 respectively. The case of the prosecution is that on 01.07.2022, the respondent police found that the petitioners along with other accused wherein illegal possession of 4063 Kgs of banned tobacco products. Hence, the case.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and no way connected with the alleged offence. However, on instructions, he would further submit that



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each of the petitioners are ready to deposit an amount of Rs.1,00,000/- to the Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with other accused were in illegal possession of 4063 Kgs of banned tobacco products. He would further submit that there is one previous case pending as against A6. Hence, he vehemently opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

6. Accordingly, each of the petitioners shall donate a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai,



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Tamil Nadu 600034; Ph No.8939065431 within a period of two weeks from the date of receipt of a copy of this order and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-II, Krishnagiri on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two blood related 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 petitioners 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] each of the petitioners shall donate a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of the RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431

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[c] the petitioners shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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