



Crl.O.P.No.23337 of 2022

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A.D.JAGADISH CHANDIRA.J,

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 273 IPC, Sections 7 and 20(1) of Cigarette and other Tobacco products Act and Sections 52, 59 of Food Safety and Standards Act, 2006 in Crime No.221 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that, on 24.05.2022, when the respondent police were on their regular patrol duty near Sappanipatti Karagoor Bus Stop, at that time, the petitioner along with other accused have illegally transported 675 kg of Tobacco products banned by the Tamil Nadu Government in Scorpio Car bearing Registration No.KA 03 MF 8312. Hence, the case was registered against the petitioner and other three accused.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also



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submit that the petitioner is only an owner of the alleged vehicle other than that he has nothing to do with the alleged offence. He would further submit that the arrested accused in this case have been enlarged on bail in Crl.O.P.No.14174 of 2022 on 20.06.2022. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.65,000/- to any welfare scheme of the Government and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused were found in illegal possession of 675 kgs of banned Tobacco products. He would also submit that the petitioner has no previous case pending against him.

5. Merely, because the petitioner has deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.



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6. Taking note of the facts and circumstances and also taking note of the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of Rs.65,000/- (Rupees Sixty Five Thousand only) by way of Demand Draft to the **Dean/Medical Officer, Government Medical College and Hospital, Dharmapuri** 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.II, Krishnagiri** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 automatically dismissed and on further condition that:



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[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 report before the respondent police every day at 10.30 and 5.30 pm for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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;

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

27.09.2022

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