



Crl.O.P.No.22383 of 2022

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WEB C **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Section 353 of IPC and Section 24(1) of COPT Act 2003 in Crime No.372 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were in possession of 576 packets of banned tobacco products worth about Rs.15,000/-. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that without prejudice, petitioners are prepared to jointly deposit a sum of Rs.30,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the



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respondent would submit that the petitioners were in possession of 576 packets of banned tobacco products worth about Rs.15,000/-. He would further submit that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels. Considering the facts and circumstances of the case and without prejudice, petitioners are undertaking to jointly deposit a sum of Rs.30,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to jointly deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non-refundable deposit to the **“The Dean/Medical Officer, Government Villupuram Medical College & Hospital, Mudiyampakkam Village, Villupuram - 605601”** and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No II,**



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Court at Ulundurpet, Villupuram, on condition that each of the petitioners

shall execute a separate 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 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]the petitioners shall jointly deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non-refundable deposit to the **“The Dean/Medical Officer, Government Villupuram Medical College & Hospital, Mudiampakkam Village, Villupuram - 605601”** and the acknowledgement for the same shall be produced before the learned Magistrate at time of execution of bond.

[c] the petitioners shall report before the respondent police every day at 10.30 a.m, until further orders.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.09.2022

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