



CrI.O.P.No.22977 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 alleged offences punishable under Sections 77 of JJ Act 2015, Section 24(1) and 6 of COTPA Act in Cr.No.400 of 2022,, seeks anticipatory bail.

2. The case of the prosecution is that on 11.08.2022 at about 10.00 a.m., the respondent police were on regular checkup they found that the petitioner along with other accused was in illegal possession of 2085 pockets of banned tobacco products which are worth about Rs.20,850/-. Hence, the respondent police is registered against the petitioner.

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



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instructions he would further submits that without prejudice to their defence and contentions, the petitioner is ready to deposit a sum of Rs.25,000/- in favour of Dean, Mohan Kumara Mangalam Government Hospital, Salem. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would vehemently opposed to grant of anticipatory bail by stating that the petitioner along with other accused was in illegal possession of 2085 pockets of banned tobacco products which are worth about Rs.20,850/-. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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[a] the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty five Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of "**The Dean, Mohan Kumara Mangalam Government Hospital, Salem**" within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount

[b] 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 **Judicial Magistrate No.II, Salem**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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



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[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]*; and;

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

22.09.2022

Vv



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