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Crl.O.P.No.22901 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 offence punishable under Section 328 of IPC and 6 r/w 20 (1) of Cigarette and other Tobacco Products Act, 2003 and in Crime No.383 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was in possession of 216 Kgs of banned tobacco products worth about Rs.1,60,932/-. 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. He would further submit that without prejudice, petitioner is prepared to deposit a sum of Rs.1,50,000/- to the Government for any welfare purpose and he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioner was in possession of 216 Kgs of banned tobacco products worth about Rs.1,60,932/-. He would further submit that there is no previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels. Taking into consideration the facts and submissions of the case and without prejudice, petitioner is undertaking to deposit a sum of Rs.1,50,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only)** as non refundable deposit to **“The Dean/Medical Officer, Government Medical College and Hospital, Krishnagiri”**, 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



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order copy made ready, before the **learned Judicial Magistrate-II, Hosur** 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 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.1,50,000/- (Rupees One Lakh Fifty Thousand only) as non refundable deposit to “The Dean/Medical Officer, Government Medical College and Hospital, Krishnagiri” and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

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

[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.



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[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]**.

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

23.09.2022

nst/mpl

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