



Crl.O.P.No.23560 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 offences punishable under Section 7 r/w 20(1) of Cigarette and other Tobacco Products Act, 2003 and Sections 52 and 59 of Food Safety and Standards Act, 2006 and Section 328 of IPC in Crime No.128 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused had indulged in transport. of 4063 kgs of banned tobacco products worth about Rs.26,00,000/-. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that petitioner other than being the owner of the lorry parked inside the poultry farm and he is no way connected with the alleged offence. The respondent Police had conducted



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a search and seized 4,063 kgs of banned tobacco products and found that the petitioner's lorry was parked inside the poultry farm, based on which the petitioner was falsely implicated in this case. He would further submit that the petitioner's vehicle was used by the driver of the lorry without his permission. He would further submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.2,00,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the petitioner along with 23 other persons have transported 4,063 kgs of banned tobacco products worth about Rs.26,00,000/-. He would further that the other accused has been arrested and enlarged on bail and that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Considering the facts and circumstances of the case and also of the fact that the petitioner is



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prepared to deposit a sum of Rs.2,00,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) as non-refundable deposit to **"The Dean/ Medical Officer, Government Medical College and Hospital, Krishnagiri"** and on such deposit and production of proof, 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 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:



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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 everyday at 10.30 a.m., until further orders.

[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]**.

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

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