



Crl.O.P.No.24019 of 2022

Crl.O.P.No.24019 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 7(5), 20(2) of COTPA Act, 2003 and 328 of IPC in Crime No.302 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on a routine vehicle search made by the respondent, the petitioners were found to be in possession of a banned tobacco product HANS. Hence, the complaint.

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. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners were found to be in possession of a banned tobacco product HANS during a routine vehicle search made by the respondent.



Crl.O.P.No.24019 of 2022

He would further submit that there are nine previous cases pending against the first petitioner and there is no previous case in respect of the second petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for both sides. Taking into consideration the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the first petitioner and insofar as the second petitioner is concerned, this Court is inclined to grant anticipatory bail with certain conditions.

6. Accordingly, as far as the first petitioner is concerned, this Criminal Original Petition is dismissed and as far as the second petitioner is concerned the second petitioner shall make a non refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **Dean/Medical Officer, Vellore Government Hospital, Adukkamparai**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of



CrI.O.P.No.24019 of 2022

proof, the second petitioner is ordered to be released on bail 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, Arcot, Ranipet District** on condition that the second 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 second 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 second petitioner shall report before the respondent police **every day at 10.30 am until further orders.**

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

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



Crl.O.P.No.24019 of 2022

A.D.JAGADISH CHANDIRA, J.

gd

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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.

11.10.2022

gd/mpl

Crl.O.P.No.24019 of 2022