



Crl.O.P.No.24646 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 7, 20(1) of Cigarette and other Tobacco Products Act 2003, 52, 59 of Food Safety and Standards Act 2006 and 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 is that the petitioner was found in possession of 4060 Kgs of banned tobacco products worth about Rs.26,00,000/-. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A12 and he has been falsely implicated in this case. He would further submit that A2 had been arrested and enlarged on bail by this Court in Crl.O.P.No.17617 of 2022 and all other co-accused were granted anticipatory bail. However, on



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instructions, he would further submits that without prejudice to his defence and contentions, the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to any welfare scheme of the Government. 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 petitioner was found in possession of 4060 Kgs of banned tobacco products worth about Rs.26,00,000/-. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. In order to curb the illegal activities of smuggling of tobacco products, this Court is of the opinion that the petitioner shall deposit a



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sum of Rs.1,00,000/- (Rupees One Lakh only) as a non refundable deposit to **"The Dean/Medical Officer, Government Head Quarters Hospital, Krishnagiri"**, without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is prepared to deposit Rs.1,00,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:-

[a] the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of **"The Dean/Medical Officer, Government Head Quarters Hospital, Krishnagiri"** within fifteen (15) days



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

[c] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter, as and when required for interrogation.

[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;

[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



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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.

19.10.2022

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