



Crl.OP.No.25003 of 2022

WEB COPY **A.D.JAGADISH CHANDIRA, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 328 of IPC and Section 7 and 20(1) of COTPA Act, Section 52 and 59 of Food Safety and Standards Act in Crime No.202 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners along with other accused were found in illegal possession of 257 kgs of banned tobacco products worth about Rs.1,69,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been registered against them, since the respondent police suspects that all the petitioners also accomplices of the main accused. He would further submit that the main accused has been arrested and enlarged on bail. On instructions, he would further submit that without prejudice to their rights, the petitioners are



prepared to deposit a sum of Rs.50,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners along with other accused were found in illegal possession of 257 kgs of banned tobacco products worth about Rs.1,69,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and the submissions made the and the petitioners are ready and willing to deposit a sum of 50,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of ***“The Dean, Government Medical College Hospital, Krishnagiri”*** and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on



their appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***learned Judicial Magistrate-II, Hosur***, on condition that each of the petitioners shall execute separate bonds 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 petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation..

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

[d] the petitioners 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 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]**.

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

7. With the above directions, this Criminal Original Petition is ordered.

17.10.2022

Vv



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