



Crl.O.P.No.25845 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 283, 328 of IPC read with Section 6, 24(1) of the Cigarette and other Tobacco Products Act in Crime No.457 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the complaint dated 15.09.2022, lodged by the *de facto* complainant and the secret information received by the respondent police, during the inspection, the respondent police found that the petitioner was in possession of 1.5 Kg of Tobacco products. Hence, the complaint was registered.

3. The learned counsel appearing 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 prepared to



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deposit Rs.5,000/- 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 would submit that the petitioner was in possession of banned tobacco product worth about Rs.2,240/-. He further submitted that there are three previous cases as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the previous cases are not similar in nature.

6. Heard Both sides. Considering the facts and circumstances of the case and without prejudice, the petitioner is undertaking to deposit a sum of Rs.5,000/- to the Government for any welfare purpose, I am inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to **“The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital, Salem”** 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 order copy made ready, before the **learned Judicial Magistrate V, Salem**, 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.5,000/- (Rupees Five Thousand only) as non-refundable deposit to **“The Dean/Medical Officer, Government Mohan Kumaramangalam Medical College and Hospital,**



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Salem" and the acknowledgment for the same shall be produced before the learned Magistrate at time of execution of bond.

[c] the petitioner shall report before the respondent police every day 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.

[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 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]**.

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

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