



Crl.O.P.No.25124 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest for the alleged offences under Sections 273 and 328 of IPC read with Section 24(1) of the Cigarette and other Tobacco Products Act in Crime No.729 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that during vehicle check, the respondent police found that the petitioner's son was in possession of banned tobacco product and cash of Rs.1,60,000/- and based on the confession statement of the petitioner's son, the petitioner was arrayed as accused. 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, the petitioner prepared to



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

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner was in possession of banned tobacco product and cash of Rs.1,60,000/-. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel on both sides. Considering the facts and circumstances of the case and without prejudice, the petitioner is undertaking to deposit a sum of Rs.50,000/- 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.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit to **"The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c.No.10273425961, State Bank of India, Park Town, Chennai, 68,**



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Evening Bazaar Road, Chennai, IFSC:SBIN0001856" 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 X Metropolitan Magistrate, Egmore, Chennai**, 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.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit to **"The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c.No.10273425961, State Bank of India, Park Town, Chennai, 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856"** and the acknowledgment for the same shall be produced before the learned Magistrate at time of execution of bond.



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[c] the petitioner shall report before the respondent police everyday 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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