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Crl.O.P.No.25534 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 offences punishable under Section 328 of IPC and Sections 7 and 24(1) of Cigarettes and other Tobacco Products Act 2003 in Crime No.165 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is arrayed as A1 and A2 is the driver of A1. The case of the prosecution is that the petitioner is a tenant under the *de-facto* complainant and on 14.03.2022, the petitioner and his driver have given a tobacco pocket to him and after consuming the same, he suffered from itches and uneasiness. It is further alleged that the petitioner had stored 295 Kgs of banned tobacco products for whole sale in his house. Hence, the complaint.

3. Earlier, this Court has granted anticipatory bail to the petitioner in Crl.O.P.No.11468 of 2022 on 18.05.2022 with a condition



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to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) by way of demand draft to the credit of Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram. However, due to poor financial status, the petitioner was unable to deposit the amount within time and thereby the anticipatory bail order got lapsed. However, now vide Memo dated 03.11.2022, the petitioner has deposited the said amount.

4. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, 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 - Madukkarai**, 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



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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 report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioner 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 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]**.



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

04.11.2022

mpl

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