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Crl.O.P.No.25446 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.324 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 326 Kgs of banned tobacco products. Hence, the complaint.

3. Earlier, this Court has granted anticipatory bail to the petitioner in Crl.O.P.No.17850 of 2022 on 01.08.2022 with a condition to deposit a sum of Rs.1,00,000/-(Rupees One Lakh Only) to the Chief Justice Relief Fund, High Court, Madras as non-refundable deposit. However, due to poor financial status, the petitioner was unable to



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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 petition for anticipatory bail shall stand dismissed and on further condition that:



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[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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