



Crl.O.P.No.25649 of 2022

Crl.O.P.No.25649 of 2022

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

The petitioner, who apprehends arrest for the alleged offences under Sections 6(a) read with Section 24(1) of the Cigarette and other Tobacco Products Act, 2003 in Crime No.99 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that during raid conducted by the respondent police, they found that the petitioner was in possession of 17 pouches of VIMAL Pan Masala and 25 pouches of HANS. 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 deposit Rs.25,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.25649 of 2022

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner was in possession of 17 pouches of VIMAL Pan Masala and 25 pouches of HANS. He further submitted that there is one previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and without prejudice, the petitioner is undertaking to deposit a sum of Rs.25,000/- to the Government for any welfare purpose, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit to **“The Dean/Medical Officer, Ariyalur Government General Hospital,**



Crl.O.P.No.25649 of 2022

Ariyalur” 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 II, Ariyalur**, 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.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit to **"The Dean/Medical Officer, Ariyalur Government General Hospital, Ariyalur"** and the acknowledgment for the same shall be produced before the learned Magistrate at time of execution of bond.



Crl.O.P.No.25649 of 2022

[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.

20.10.2022

nsa/arb



WEB COPY



Crl.O.P.No.25649 of 2022

A.D.JAGADISH CHANDIRA, J.

nsa/arb

Crl.O.P.No.25649 of 2022

20.10.2022