



Crl.O.P.No.28659 of 2022

Crl.O.P.No.28659 of 2022

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 of IPC and Section 22(a) of Cigarette and other Tobacco Products Act, in Crime No.528 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 20.10.2022, the petitioner was found to be in illegal possession of 61.160 kgs of banned tobacco products worth about Rs.37,000/-. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that there is no previous case pending against the petitioner. However, without prejudice, the petitioner is prepared to deposit a sum of Rs.25,000/- towards any Welfare Scheme of the Government. Therefore, he prays for grant of anticipatory bail to the petitioner.



WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found to be in possession of 61.160 kgs of banned tobacco products worth about Rs.37,000/- and the contraband has been recovered. He would further submit that the petitioner has no previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel, and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.25,000/- to the any Welfare Scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. However, it is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



Crl.O.P.No.28659 of 2022

WEB COPY

6. Accordingly, the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non refundable deposit to the credit of the **Dean, Government Medical Hospital, Chengalpattu** 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, Chengalpattu** 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 automatically 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 **daily at 10.30 a.m., until further orders.**



WEB COPY



Crl.O.P.No.28659 of 2022

A.D.JAGADISH CHANDIRA, J.

shk

[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]**.

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

22.11.2022

shk

Crl.O.P.No.28659 of 2022