



Crl.O.P.No.28626 of 2022

Crl.O.P.No.28626 of 2022

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 273, 328 of IPC r/w Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.969 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the Sub Inspector of Police is that on 10.11.2022, during the regular patrol duty, the petitioners were found to be in illegal possession of banned tobacco products viz., Pan Masala, Guthka and Hans in their bags. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He would submit that the petitioners are ready to abide by any conditions imposed by this Court. Therefore, he prays for grant of anticipatory bail to the petitioners.



WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were found to be in illegal possession of banned tobacco products viz., Pan Masala, Guthka and Hans and the contraband has been recovered from them. He would further submit that the first petitioner has one previous case of similar nature pending against him and the second petitioner has no previous case pending against him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, learned counsel for the petitioners would submit that the petitioners are prepared to deposit an amount of Rs.25,000/- to the credit of any Welfare Scheme of the Government.

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

7. 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 first petitioner has one previous case of similar nature and the second petitioner has no previous case, this Court is inclined to grant



CrI.O.P.No.28626 of 2022

anticipatory bail to the second petitioner with certain conditions and as far as the first petitioner is concerned, this Court is not inclined to grant anticipatory bail to the first petitioner. However, it is made clear that merely, because the second 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.

8. Accordingly, the second 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 Hospital, Mundiampakkam, Villupuram**, and on such deposit the second 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-I, Virudhachalam, Cuddalore District** on condition that the second 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:



Crl.O.P.No.28626 of 2022

A.D.JAGADISH CHANDIRA, J.

shk

[a] the second 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 second petitioner shall report before the respondent police **daily at 10.30 a.m., until further orders.**

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.28626 of 2022