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Crl.O.P.No.29367 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 alleged offences punishable under Sections 7(5), 20(2) of Cigarette and other Tobacco Products Act, 2003 read with Section 328 of IPC in Cr.No.266 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in possession of 495 kgs of banned tobacco products worth about Rs. 3 lakhs. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. On instructions he would further submit that without prejudice to his defence and contentions, the petitioner is ready to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) in favour of Dean, Government Medical College Hospital, Vellore. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would



CrI.O.P.No.29367 of 2022

vehemently opposed to grant of anticipatory bail by stating that the petitioner along with other accused were found in possession of 495 kgs of banned tobacco products worth about Rs. 3 lakhs.

5. Taking note of the facts and submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of "**The Dean, Government Medical College Hospital, Vellore**" within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount.

[b] 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 **Judicial Magistrate No.5, Vellore**, failing which, the petition for anticipatory bail shall stand



Crl.O.P.No.29367 of 2022

dismissed.

[c] the petitioner shall report before the respondent police daily 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

30.11.2022

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Crl.O.P.No.29367 of 2022

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Crl.O.P.No.29367 of 2022

30.11.2022