

CrI.O.P.No.30606 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 24(1) of the Cigarettee and other tobacco Products Act,2003 and Section 353 of IPC in Crime.No.257 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 30.09.2022 at about 9.00 p.m, during the regular patrol, the respondent police found that the first accused/A1 was in possession of 50 packets of Maava (each packet contains 10 grams) for sale. On enquiry it is found that the petitioner and his wife used to supply the banned tobacco products to the first accused. Based on the confession statement, the respondent police arrayed the petitioner as second accused. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any such offence as alleged by the prosecution and has been falsely implicated in this case. He further submits only based on the confession statement the petitioner herein has been implicated in this case. Hence, he prays to grant anticipatory bail the petitioner.



4. The learned Government Advocate (Crl.Side) would submit that the petitioner is a regular supplier of the banned tobacco products to the first accused and he is having four previous cases. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned XVI Metropolitan Magistrate at George Town, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 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 Court concerned 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 every everyday at 10.30 a.m. for a period of three months and thereafter, appear before the trial Court on all hearing dates.

(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;

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(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 anticipatory 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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.12.2022

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