



Crl.O.P.No.32097 of 2022

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**T.V.THAMILSELVI,J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 273 and 328 of IPC, 1860 along with Section 24(1) of Cigarettes and Tobacco Products Act, 2003 in Crime No.714 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the A1 and A2 were found to be in illegal possession of 300 grams of Hans Chaps Tobacco worth about Rs.2,400/-. Based on the confession of A1 & A2 that they were purchased the contraband from the petitioner, the petitioner was arrested. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would further submit that other than the confession, there is no other material to show that the petitioner has involved in this Case. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) would submit that the A1 and A2 were found to be in illegal possession of 300 grams of Hans Chaps Tobacco worth about Rs.2,400/-. Based on the confession of A1 & A2 that they were purchased the contraband from the petitioner, the petitioner was arrested. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) for the respondent and perused the entire materials available on record.

6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, 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, No.I, Cuddalore**, on condition that each of 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, 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 report before the respondent Police every Tuesday at 10.30 a.m., for a period of six weeks.

[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 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.

**23.12.2022**

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