



Crl.O.P.No.24 of 2023

**Crl.O.P.No.24 of 2023**

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

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 328 of IPC and 7(1) r/w 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.738 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on receiving a secret information, the respondent Police along with his team conducted routine vehicle checkup and they have found that the accused were transporting and loading banned tobacco products and on seeing the respondent Police, they were escaped from the scene of occurrence. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the godown and other than that, he is not aware of anything. He would further submit that based on the confession statement recorded from A1 and A2, the petitioner has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.24 of 2023

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was found to be in illegal possession of banned tobacco products. He would submit that there is no previous case pending against him. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that without prejudice, the petitioner is ready and willing to deposit a sum of Rs.40,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of anticipatory bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7.Considering the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that there is no previous case pending against him, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CrI.O.P.No.24 of 2023

WEB COPY

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) by way of Demand Draft/RTGS/NEFT to "The registered Advocate Clerk Association, Coimbatore"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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.III, Coimbatore, 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, 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.



WEB COPY



CrI.O.P.No.24 of 2023

**(b) the petitioner shall report before the respondent police station daily at 10.30 a.m., until further orders.**

(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]*; and;

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

**04.01.2023**

vkrr



WEB COPY



Crl.O.P.No.24 of 2023

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

vkf

**Crl.O.P.No.24 of 2023**

**04.01.2023**