



Crl.O.P.No.181 of 2023

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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 24(1) of Cigarette and other Tobacco Products Act, 2003 and 294(b), 353 and 506(ii) of IPC in Crime No.819 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 banned tobacco products worth about 44.075 kgs. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he has nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the petitioner along with other accused was found to be in illegal possession of banned tobacco products of 44.075 kgs. He would submit that there is one 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.5,000/- 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 (CrI.Side) for the respondent and perused the materials available on record.

7.Considering the facts and circumstances of the case and also the submissions made by the learned counsel, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand only) by way of Demand Draft/RTGS/NEFT to "Aishwaryam Trust, Thirunagar, Madurai, Home cum Hospital for homeless disowned elderly people. A/c name : Aishwaryam Trust, A/c No.6639017788, IFSC Code : IDIB000T032, Indian Bank, Thirungar"**, 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 XV Metropolitan Magistrate, George Town, 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



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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 on every Wednesday daily at 10.30 a.m., for a period of eight 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;

(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;

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