



Crl.O.P.No.475 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 353, 328 of IPC and 24(1) of Cigarette and other Tobacco Products Act 2003, in Crime No.341 of 2022, seeks anticipatory bail.

2. The case of prosecution is that on 07.12.2022 the petitioner along with other accused person were found in illegal possession of banned Tobacco 50 packets and coolip 25 packets. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submit that the petitioner, on his volition, is ready and willing to contribute some amount for charitable purpose that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that on 07.12.2022 the petitioner along with other accused person were found in illegal possession of banned Tobacco 50 packets and coolip 25 packets. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the submissions made by the learned counsel and the co-accused already released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 ***XVI Metropolitan Magistrate Court at 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



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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 station every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required.

[c] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to the credit of Kaakkum Karangal Old Age Home, 89/47, Santhome High Road, Santhome, Chennai-600 028, A/c No.000101219273, ICICI Bank, Santhome Branch, IFSC Code:ICIC0003432, MICR Code:600229120, Swift Code:ICICINBBXXX, Mobile No.9840068800.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during



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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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