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Crl.O.P.No.1012 of 2023

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

The petitioner who apprehends arrest for the alleged offence punishable under Sections 328 of IPC read with Sections 7(1), 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 the petitioner along with the other accused were found in illegal possession of banned tobacco products worth about Rs.4,05,000/-. Hence the complaint.

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is only a owner of the godown and he is no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the petitioner along with the other accused were found in illegal possession of banned tobacco products worth about Rs.4,05,000/-. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate-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 (out of which one surety should be a blood related surety and should produce document to show his/her means) each for a like sum to the satisfaction of the respondent police or the police officer



CrI.O.P.No.1012 of 2023

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 is directed to report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of Three months and thereafter as and when required for interrogation.

[c] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Society for the Educational and Economic Development (SEED) Reg., Sriperumbudur, A/c. No.2926101000002, Canara Bank, Sriperumbudur, IFSC CNRB0002926, Cell No.9944812053 as a non refundable deposit.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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CrI.O.P.No.1012 of 2023

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**19.01.2023**

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Crl.O.P.No.1012 of 2023

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