



Crl.O.P.No.1108 of 2023

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

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 328 of IPC r/w Sections 7, 24(1) of the Cigarettes and other Tobacco Products Act, 2003, in Crime No.324 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent and his team were on their patrol duty, they found that the first accused was illegally transporting 326 kilograms of banned tobacco products in his vehicle. The respondent has seized the contraband and arrested him and recorded the confession statement from him, wherein he stated that first accused has bought from A2/petitioner herein for selling. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this Court had already granted anticipatory bail to the petitioner in Crl.O.P.Nos.17850 & 25446 of 2022 vide orders dated 01.08.2022 and



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04.11.2022 respectively. He further submitted that petitioner has complied with the condition as imposed by this Court that to deposit Rs.1,00,000/- as non-refundable deposit to the Chief Justice Relief Fund, High Court of Madras, but, he was unable to execute the sureties because of his viral fever. He further submitted that this Court by an order in Crl.M.P.No.18588 of 2022 dated 08.12.2022 has extended the time to execute the sureties by two weeks, whereas, in the meantime, a false case has been lodged as against the petitioner in Crime No.738 of 2022, thereby, he was unable to execute the sureties within the stipulated time and the anticipatory bail order got lapsed. Therefore, the petitioner has filed this third bail application before this Court and prays to grant anticipatory bail to the petitioner.

4. 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 with certain conditions.

5. 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**



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**Magistrate, Madukkarai**, 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 is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) totally** to the credit of **Registered Advocates Clerks Association, Coimbatore District**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] **the petitioner shall report before the respondent police everyday at 10.30a.m., for a period of three months and thereafter, as and when required for interrogation;**



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

[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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

**20.01.2023**

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