



Crl.O.P.No.1461 of 2023

Crl.O.P.No.1461 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 328 of IPC r/w Section 24(1) of COTP Act in Cr. Not Known of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported 35 kgs of banned tobacco products. Hence, the complaint.

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. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner has transported 35 Kgs of banned tobacco products. He further submitted that Crime No.6 of 2023 is assigned and section also altered to Section 328, 6(A) of IPC r/w Section 24(1) of COTP Act. He further



CrI.O.P.No.1461 of 2023

submitted that there is no previous case is pending as against the petitioner.

Hence, he opposed to 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 and also the fact that the petitioner has willfully and on his own violation agreed to contribute some amount for charitable purpose, 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Gummidipondi, 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 and on further condition that:



CrI.O.P.No.1461 of 2023

(a) the petitioners 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;

(b) the petitioner shall report before the respondent policeon every Saturday at 10.30 a.m for a period of eight weeks and thereafter, as and when require for interrogation;

(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 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]*; and;

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

25.01.2023

vsn

T.V.THAMILSELVI, J.

vsn



WEB COPY



CrI.O.P.No.1461 of 2023

CrI.O.P.No.1461 of 2023

25.01.2023