



Crl.O.P.No.1582 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 Section 294 (b), 353 and 506 (ii) of IPC and Section 24(1) of the COTP Act 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 while conducting vehicle check up, found the the accused transporting banned tobacco products weighing 44.075 kgs. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that during investigation, the respondent police seized the ration cards and Aadhaar Cards from the petitioners and the same may be ordered to be returned and that the petitioners are ready and willing to deposit a substantial amount as may be directed by this Court, in order to show their bonafide. Hence, the



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learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the petitioner was found in possession of banned tobacco products weighing 44.075 kgs. He further submit that totally there are four accused and the petitioners are arrayed as A4 and A3. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the petitioners have come forward to deposit a substantial amount before the Court to show their bonafides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only) jointly, to the credit of Crime No. 819 of 2022 within a period of three weeks from the date on which the order copy made ready**, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned **XV Metropolitan Magistrate, George**



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Town, Chennai on condition that the petitioners 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 petitioners 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 petitioners shall **jointly** deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.819 of 2022 within a period of three weeks** from the date on which the order copy made ready.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] **the petitioners shall appear before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.**

[e] the petitioners shall not tamper with evidence or witness

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either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

7. The respondent police is directed to return the ration cards and Aadhar Cards of the petitioners if they are still possessed by them.

25.01.2023

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