



Crl.O.P.No.2864 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 7(5), 20(2) of Cigarette and other Tobacco Products Act, 2003 read with Section 328 of IPC in Crime No.266 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 495 kgs of banned tobacco products worth about Rs.3 lakhs. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail application. Earlier, the anticipatory bail was granted to the petitioner on 30.11.2022 in Crl.OP.No.29367 of 2022 and the petitioner was not able to comply the conditions imposed by this Court, the same was automatically lapsed. However, on instructions, the learned counsel further submits that the petitioner without prejudice his rights, on his own volition, is



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ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused were found in illegal possession of 495 kgs of banned tobacco worth about Rs.3 lakhs. He further submits that he is the owner of the vehicle and hence he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by both the counsels and also the fact that the petitioner without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust, this Court is inclined to grant anticipatory bail to the petitioner. 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 (15) days from



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the date of receipt of a copy of this order before the *learned Judicial Magistrate No.5, Vellore, Vellore District*, 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:

(a)the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of SIVA SAKTHI SATHYA SAI CHARITABLE TRUST, Savings Bank A/c No. 10052444099 IFSC Code:- IDFB0080135 IDFC FIRST BANK LTD, VALASARAVAKKAM, CHENNAI 87, GOOGLE PAY MOBILE NO. 9840856746 Siva Sakthi Homes, PHONE PE 9840856746** 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 daily at 10.30 a.m., until further orders;**



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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;

09.02.2023

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