



Crl.O.P.No.4374 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 7(5), 20(2) of Cigarette and other Tobacco Products Act 2003 r/w. 328 of IPC in Crime No.46 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner along with other accused persons were found in illegal possession of 2 Kgs and 10 grams of Tobacco products. Hence, this complaint.

3. Learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused persons were found in illegal possession of 2 Kgs and 10 grams of Tobacco products of worth about Rs.2,400/-. He further submits that there is no



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previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that the investigation is almost completed and also the fact the petitioner, on his own volition, is ready to deposit a sum of **Rs.3,000/- (Rupees Three Thousand only) as non refundable deposit** to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.3,000/- (Rupees Three Thousand only) by way of Demand Draft/RTGS/NEFT to "The Registered Advocate Clerk Association, Gudiyatham, Vellore District"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, 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 Magistrate, Gudiyatham**, on condition that the petitioner shall execute separate 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



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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.3,000/- (Rupees Three Thousand only)** to the credit of the Registered Advocate Clerk Association, Gudiyatham, Vellore 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 Magistrate 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 on every Tuesday at 10.30 a.m., until further orders;

[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.



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[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 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]**.

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

02.03.2023

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