



Crl.O.P.No.4416 of 2023

A.D. JAGADISH CHANDIRA, J.,

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The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 7(5) and 20(2) of COTPA Act 2003 and 328 of IPC in Crime No.55 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were illegally transporting 240kgs of banned tobacco products worth Rs.1,77,000/- from Bangalore to Tamil Nadu in car bearing Registration No.TN 12 Q 5535. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He would submit that the first petitioner is the resident of Rajasthan, both the petitioners are relatives and he came to Tamil Nadu to stay with the the second petitioner. There is no previous case as against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners. He would also submit that without prejudice, the petitioners are prepared to deposit a considerable amount to any Welfare Scheme of the Government and he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners were illegally transporting 240kgs of banned tobacco products worth Rs.1,77,000/- from Bangalore to Tamil Nadu in car bearing Registration No.TN 12 Q 5535. He would further submit that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that without prejudice to his contention and defence the petitioners are ready and willing to deposit an amount of Rs.20,000/- each a non refundable deposit to the credit of Rajiv Gandhi Government Hospital, Chennai and they have also filed an affidavit to that effect.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the voluntary submission made by the learned counsel for the petitioner, the petitioners are directed to deposit an amount of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the **“The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, IFSC:SBIN0001856, State Bank of India, Park Town**



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Branch", without prejudice to their rights and contentions before the trial Court.

8. Merely, because the petitioners deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and circumstances of the case, the submissions made on both sides and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.20,000/- each to the credit of **"The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, IFSC:SBIN0001856, State Bank of India, Park Town Branch"** this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each directly to **"The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, IFSC:SBIN0001856, State Bank of India, Park Town Branch"** and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance,



within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.V, Vellore**, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) directly to **"The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, IFSC:SBIN0001856, State Bank of India, Park Town Branch"** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.



[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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]**.

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

With the above directions, this Criminal Original Petition is ordered.

14.03.2023

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