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Crl.O.P.No.5114 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 r/w.20(1) of Cigarette and other Tobacco Products Act and section 328 IPC in Crime No.29 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were on regular checkup, they found that the petitioner was found to be illegally transporting 457 kgs of banned tobacco products, which are worth about Rs.5,25,488/- through Eicher lorry bearing registration No.TN 70 AA 3157 1920. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would submit that other than being the owner of the vehicle, there is no



Crl.O.P.No.5114 of 2023

connection between the petitioner and the case on hand. He would submit that the petitioner had engaged a driver and the driver, without knowledge of the petitioner, had used the vehicle for transporting the contraband. He would submit that the vehicle has also been seized by the respondent police. He would further submit that the petitioner has purchased the vehicle on hire purchase and he is suffering due to the seizure of the vehicle. He would submit that the petitioner without prejudice to his defence and contentions, is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of any welfare scheme run by the Government. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would vehemently oppose to grant of anticipatory bail by stating that the petitioner is the owner of the vehicle and contraband. While the vehicle was intercepted, he left the vehicle and ran away from the scene of occurrence.



CrI.O.P.No.5114 of 2023

WEB COPY

5. Taking note of the facts and circumstances and the voluntary submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of "**The Dean/Medical Officer, Government Medical College and Hospital, Krishnagiri**" within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of payment of the above amount

[b] 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 **Judicial Magistrate No.I, Hosur**, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

A.D.JAGADISH CHANDIRA,J.

mpa



CrI.O.P.No.5114 of 2023

WEB COPY

[c] the petitioner shall report before the respondent police daily 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;

[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]*; and;

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

13.03.2023

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CrI.O.P.No.5114 of 2023