



Crl.O.P.No.5946 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(a), 24(1) Cigarette and other Tobacco Product Act 2003, Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 328 of IPC, in Crime No.52 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the bakery owner was found in possession of banned tobacco products worth about Rs.3,102/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He further submits that the petitioner has no previous case pending against him. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.5,000/- to any welfare scheme of the



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Government and he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit the petitioner, who is the bakery owner was found in possession of banned tobacco products worth about Rs.3,102/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. 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.5,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **deposit a sum of Rs.5,000/- (Rupees Five Thousand only) by way of Demand Draft/RTGS/NEFT to the "Dean/Medical Officer, Government Head Quarters Hospital, Ariyalur 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



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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 No.II, Ariyalur**, on condition that the petitioner 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 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.

[b] **the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

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

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16.03.2023

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