



CRL.O.P.No.8648 of 2023

**S.SOUNTHAR, J.**

The petitioner, who apprehends arrest at the hands of the respondent/police for the offences punishable under Section 328 IPC r/w Section 22(a) of the Cigarettes and other Tobacco Products Act, 2003, in Crime No.533 of 2023 on file of the respondent/police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.04.2023 around 11.45 a.m., when the de facto complainant along with one Gangadharan went to Ramnagar regarding his work, he saw two persons viz. Raghavan (A1) and Nagarjun (A2) selling something to the passersby; the de facto complainant bought one Hans packet from them and when he consumed it, he felt nausea and giddiness and hence, he went to the police station and lodged the complaint against the two persons. The respondent police arrested the accused and seized the banned tobacco products from them.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is not connected with the alleged offence. He further submitted that Raghavan (A1) and Nagarjun (A2) were arrested and thereafter, released on bail. Stating so, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation so far conducted revealed that the petitioner has involved in this case. Hence, he opposed for the grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice his rights, on his own volition, is 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.

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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. In order to curb the illegal activities of smuggling of tobacco products, this Court is of the opinion that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of "Idhayangal Charitable Trust", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner 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 of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit Rs.25,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the learned Judicial Magistrate No.I, Tiruppur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



[a] the petitioner is directed to make a non-refundable deposit for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of “Idhayangal Charitable Trust, A/c No.6517087788, Indian Bank, IFSC Code:IDIB000K169, KMCH Goldwins branch, Avinashi Road, Coimbatore 641014”, within a period of four 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 on every Wednesday at 10.30a.m., for a period of three months and thereafter, as and when required for interrogation;

[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.

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