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Crl.O.P.No.9224 of 2023

S.SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 273, 328 of IPC and 7(1), 20(2) of Cigarettes and other Tobacco Products Act, 2003 in Crime No.395 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of Tobacco products which are prohibited items. Accordingly, on the basis of the complaint lodged by the defacto complainant who is the Inspector of Police of the said locality, the respondent police registered the case against the petitioners. The petitioners arrayed as A2 and A3.

3. The learned Counsel for the petitioner would submit that the petitioners are innocent person and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) for the State would submit that there are two previous cases pending against A2 and no previous case against A3. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel on either sides and perused the entire materials available on record.

6. Taking into consideration the facts and submission and also the undertaking given by the petitioners that they are willing to deposit Rs.10,000/- each, to the credit of District Revenue Office, Coimbatore, to show their bonafides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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, Palladam**, on condition that

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each of the petitioners shall execute a separate 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 report before the respondent police every day at 10.30, a.m, until further orders;

[c] each of the petitioners are directed to deposit a sum of Rs.10,000/- to the credit of District Revenue Office, Coimbatore.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

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[e] 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/TrialCourt 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;

04.05.2023

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