



Crl.O.P.No.9553 of 2023

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S.SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 272, 273, 328 of IPC r/w 59 of Food Safety Act, 2006 and 7(v) 20(ii) of COPTA Act in Crime No.109 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 87 kgs of banned tobacco products. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners are ready and willing to furnish sufficient sureties and to abide by any stringent condition that may be imposed by this Court. He would also submit that without prejudice, the petitioners are prepared to deposit a sum of Rs.10,000/- each as a non-refundable deposit to "**the District Revenue Officer, Ariyalur**". Hence, 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 found in possession of 87 kgs of banned tobacco products. He would further submit that there is no previous case against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The petitioners undertake to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** as a non-refundable deposit to "**the District Revenue Officer, Ariyalur,**" without prejudice to their rights and contentions before the trial Court. However, it is made clear that merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking into consideration the facts and the submissions of both sides, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each, by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Ariyalur"**, without



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prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, 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-I, Ariyalur**, on condition that each of the petitioner 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 daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.**

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



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[d] the petitioners 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 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]**.

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

8. This Criminal Original Petition is ordered accordingly.

04.05.2023

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