



Crl.O.P.No.10451 of 2023

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**A.D.JAGADISH CHANDIRA,J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 6 r/w 24(1) of COTPA r/w 328 of IPC, in Crime No. 264 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 90 packets of banned tobacco products. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents persons they are running a petty shop and without the knowledge they have kept the items in their shop. He would also submit that without prejudice, the petitioners are prepared to deposit a sum of Rs.10,000/- each to any Welfare Scheme of the Government and hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners were found in possession of 90 packets of banned



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tobacco products. He further submit that the petitioners has got two previous cases against him, out of which one case is under IPC and the other case is of similar offence. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case and also the submissions made on both sides and also taking note of the fact that the petitioners has come forward to deposit an amount of Rs.10,000/- each to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners shall make a non-refundable deposit of a sum of Rs.10,000/- (Rupees Ten Thousand only) each, directly to the "**The Dean/Medical Officer, Government Medical Hospital, Sirkali**", and on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on



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their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sirkali**, on condition that the petitioners shall execute a separate 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 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 everyday at 10.30 a.m., until further orders.

[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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

**02.06.2023**

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