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Crl.O.P.No.11088 of 2023

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K.GOVINDARAJAN THILAKAVADI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 7(5) and 20(2) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.159 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.05.2023, the petitioner along with other accused were found to be in possession of banned tobacco products (HANS). Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in the case. However, on instructions he would submit that without prejudice to his rights and defence, the petitioner is ready to deposit a substantial amount to any charitable organisation as may be



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directed by this Court and he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the respondent Police, while on regular check up, the petitioner and other accused were found to be in possession of banned tobacco products (HANS). Hence, he opposed to grant anticipatory bail to the petitioner.

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

6. In order to curb the illegal activities, this Court is of the opinion that the petitioner shall be directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to “the District Revenue Officer, Ranipet District”** without prejudice to his rights and contentions before the trial Court. However, it is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the



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trial Court to deal with the case independently.

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

8. Accordingly, the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** as non-refundable deposit to **“the District Revenue Officer, Ranipet 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 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, Ranipet**, 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



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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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to “the District Revenue Officer, Ranipet District” and the receipt of the same shall be produced before the concerned learned Magistrate at the time of execution of bond.

[c] the petitioner 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.



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[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 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10.05.2023

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