



Crl.O.P.No.12179 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 7, 9(2) of Tamil Nadu Prohibition of Smoking and Spitting Act, 2003 and 77 of Juvenile Justice (Care and Protection of Children Act, 2015) and Sec.328, 353 and 506(i) of I.P.C., in Crime No.61 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 11.03.2023 around 08.00 a.m., when the respondent police was on regular duty, they intercepted the petitioners and on search, they said to have found the petitioners along with other accused in possession of Mava 2940 pockets (35 kg.), Charitha 8.50 kg. illegally without any valid permission. Hence, the complaint.



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3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that they are nothing to do with the alleged occurrence and the petitioners are ready to cooperate with the investigation and also abide by any condition imposed by this court. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent raised objection stating that on the date of occurrence, the petitioners were found in possession of Mava 2940 pockets (35 kg.) and Charitha 8.50 kg. illegally without any valid permission. He would further submit if they are granted anticipatory bail, they will tamper the witnesses and hamper the investigation. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, and considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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6. 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 XV Metropolitan Magistrate, George Town, Chennai, on condition that the petitioners 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 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 appear before the respondent police everyday twice in the morning at 10.30 a.m. and in the evening at 06.00 p.m. for the period of four weeks and thereafter, as and when required for the investigation.



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[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 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.

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