



Crl.O.P.No.14264 of 2023

Crl.O.P.No.14264 of 2023

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

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 24(1) of Cigarette and Other Tobacco Products Acts, 2003 and Section 328 of IPC, in Crime No. 281 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 35 Kgs of banned tobacco products value at Rs.20,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.20,000/- to any Welfare Scheme of the Government and hence, he prays for grant of anticipatory bail to the petitioner.



Crl.O.P.No.14264 of 2023

4. The learned Government Advocate (Crl. Side) would submit that the petitioner was found in possession of 35 Kgs of banned tobacco products value at Rs.20,000/-. He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner 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 petitioner has come forward to deposit an amount of Rs.20,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall make a non-refundable deposit of a sum of Rs.20,000/- (Rupees Twenty Thousand only), directly to the



Crl.O.P.No.14264 of 2023

"The Dean/Medical Officer, Coimbatore Medical College and

Hospital, Coimbatore, and on such deposit and production of proof, the

petitioner 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**

No.II, Coimbatore, on condition that the petitioner 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 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 report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioner shall not abscond either during



Crl.O.P.No.14264 of 2023

WEB COPY

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 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]**.

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

27.06.2023

Lpp

A.D.JAGADISH CHANDIRA,J.

Lpp



WEB COPY



Crl.O.P.No.14264 of 2023

Crl.O.P.No.14264 of 2023

27.06.2023