



Crl.O.P.No.14406 of 2023

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

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 7(5) & 20(2) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC, in Crime No. 149 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 100 Kgs of banned tobacco products worth about Rs.3,00,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that without prejudice, the petitioner is prepared to deposit a sum of Rs.60,000/- to any Welfare Scheme of the Government and hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that there are totally seven accused involved in this case, in which, the petitioner is arrayed as A4. He further submitted that the petitioner was found in illegal possession of 100 Kgs of banned tobacco products worth about Rs.3,00,000/-. Hence, 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 including the FIR.

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.60,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner shall make a non-refundable deposit of a sum of Rs.60,000/- (Rupees Sixty Thousand only), directly to the **"The Dean/Medical Officer, Government Medical College and Hospital, Vellore,** and on such deposit and production of proof, the petitioner are 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, No.I, Walajapet, Ranipet District,** on condition that the petitioner shall execute a bondy 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.



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

[d] the petitioner 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 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.

**28.06.2023**

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