



Crl.O.P.No.14585 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 7(5) and 20(2) of COTPA Act and Sections 353, 328 and 506(i) of IPC in Crime No.24 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. It is the submission of the learned counsel for the petitioner that, petitioner is the owner of the car bearing Reg.No. TN 11 J 0099. Without the knowledge of the petitioner, his car was used for commission of offences under Sections 7(5) and 20(2) of COTPA Act and Section 353, 328 and 506(i) of IPC. Apprehending arrest, this petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, on 14.01.2023 at about 06.00.a.m., when the respondent police was engaged in vehicle check up at Wallajapet Toll Plaza, they found that the car bearing Reg.No.TN-11-J0099 was approaching, on search of the vehicle they found the following tobacco products.

i) Hans – 6 Bags



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ii) Vimal Pan Masala -13 Bags

iii) V1 Tobacco – 2 Bags.

He further submitted that, tobacco products and the vehicle involved were seized from the petitioner.

4. Considering the nature, facts and circumstances of the case and that the petitioner is the owner of the vehicle and he claim that he has no knowledge of his vehicle was used for transportation of tobacco products and the fact that the tobacco products and the vehicle had been seized and that the material part of the investigation might have been over by this time, this Court is inclined to grant anticipatory bail to the petitioner for the reason that, custodial interrogation of the petitioner is not necessary in this case.

5. Accordingly, 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 No.II, Wallajapet Vellore District**, on condition



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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 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 non-refundable sum of Rs.50,000/- (Rupees Fifty Thousand Only), by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further



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orders;

[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].

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

13.07.2023

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