



Crl.O.P.No.14951 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 7(5) and 20(2) of COTP Act, 2003 and Section 328 of IPC in Crime No.55 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were illegally transporting 240 kgs of banned tobacco products worth about Rs.1,77,000/- from the Bangalore to Tamil Nadu in car bearing Registration No.TN 12 Q 5535. Hence the case.

3.The learned counsel for the petitioners would submit that this is the second application for anticipatory bail filed by the petitioners and the petitioners were earlier granted anticipatory bail by this Court in Crl.O.P.No.4416 of 2023 vide Order dated 14.03.2023. However, due to personal reasons, they were unable to furnish the sureties and thereby, the earlier Order has got lapsed and the present anticipatory bail has been filed.



4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that the petitioners were illegally transporting 240 kgs of banned tobacco products worth about Rs.1,77,000/-. He would further submit that the petitioners were earlier granted anticipatory bail by this Court in Crl.O.P.No.4416 of 2023 vide Order dated 14.03.2023, however they failed to execute the sureties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that without prejudice to his contention and defence, the petitioners are ready and willing to deposit a sum of Rs.20,000/- each a non-refundable deposit to the credit of Rajiv Gandhi Government Hospital, Chennai and hence, he prayed for grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioners as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.



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7.Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.20,000/- each to the credit of The Dean, Rajiv Gandhi Government General Hospital, Chennai, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) each directly to the credit of **“The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856”** and on such deposit and on receipt of proof of payment, 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 Judicial Magistrate No.V, Vellore, on condition that the petitioners 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 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 deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) directly to **“The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing A/c. No.10273425961, State Bank of India, Park Town (Chennai), 68, Evening Bazaar Road, Chennai, IFSC:SBIN0001856”** to enable the Dean to use the aforesaid amount for the purpose of treating the alcohol influenced patients.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] 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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