



Crl.O.P.No.19174 of 2023

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

The petitioner/A3, who apprehends arrest for the alleged offences under Sections 7(5), 20(2) of Cigarette and Other Tobacco Products Act, 2003 r/w 328 I.P.C in Crime No.303 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was in illegal transported of 10 kgs and 476 grams of tobacco products. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that without prejudice, petitioner is prepared to deposit a sum of Rs.10,000/- to the Government for any welfare purpose and he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner was transported of 10 kgs and 476 grams of tobacco products. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Considering the facts and circumstances of the case and without prejudice, petitioner is undertaking to deposit a sum of Rs.10,000/- to the Government for any welfare purpose, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as a non-refundable deposit by way of **Demand Draft/RTGS/NEFT to the “The Dean/Medical Officer, Government Hospital, Gudiyatham-632602 within a period of six weeks from the date of receipt of a copy of this order** and on such deposit, the 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



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copy made ready, before the **Judicial Magistrate, Gudiyatham**, on condition

that the petitioner 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 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 sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit to the **“The Dean/Medical Officer, Government Hospital, Gudiyatham-632602”** within a period of six weeks from the date of receipt of a copy of this order and the acknowledgement for the same shall be produced before the learned Magistrate at time of execution of bond.

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



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[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.

28.08.2023

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