



Crl.O.P.No.18539 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, and Sections 6 & 24(1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No. 623 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.07.2023 at about 6.30 a.m., it is alleged that accused 1 to 3 have loading some banned tobacco products at the Market Bazar in Shevapet, Salem City, from their car bearing Regn.No.TN-77-D-2737. Based on the secret information received by the respondent police, they went to the scene of occurrence and arrested the accused 1 to 3 and seized all the contrabands including the car. Hence, the case.



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3. The learned counsel 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 based on the confession statement of A1 this petitioner has been implicated in this case. He would also submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that there are totally four accused in this case in which, the petitioner is arrayed as A4. He would further submit that the petitioner along with other accused were found in possession of 524 Kgs of banned tobacco products worth Rs.2,55,000/-. He would further submit that the accused 1 to 3 were arrested and remanded to judicial custody and thereafter, they were released on bail by the Judicial Magistrate No.3, Salem, in Crl.M.P.No.3613 of 2023 on 25.07.2023. However, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances and also taking note of the fact that the accused 1 to 3, who played vital role in the case have already been granted bail, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, 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 copy made ready, before the **learned Judicial Magistrate No.3, Salem**, on condition 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.



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[b] the petitioner shall report before the respondent police daily 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 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.

22.08.2023

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