



Crl.O.P.No.18680 of 2023

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

The petitioner, who apprehends arrest for the alleged offences under Section 20(1) of COTP Act, 2003 and Section 328 of IPC in Crime No.147 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were illegally transporting 257 kgs of banned tobacco products worth about Rs.1,15,700/- in Tyota Etios vehicle bearing registration No.TN 30 BW 1819. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been been falsely implicated in this case. He would further submit that the petitioner is the driver of the offendig vehicle and other than that he has nothing to do with the alleged offence. Hence, he prayed for grant of antipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the



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respondent Police would submit that the petitioner along with other accused were illegally transporting 257 kgs of banned tobacco products worth about Rs.1,15,700/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioners would submit that without prejudice to his contention and defence, the petitioner is ready and willing to deposit a sum of Rs.40,000/- a non-refundable deposit to the credit of Rajiv Gandhi Government Hospital, Chennai and hence, he prayed for grant of anticipatory bail to the petitioner.

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

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of "The



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Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. 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 petitioner has come forward to deposit an amount of Rs.40,000/- to the credit of The Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) directly to the credit of **“The Dean, Rajiv Gandhi Government General Hospital, Chennai, bearing**



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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 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.I, Hosur, 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 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 petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty 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,**



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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 petitioner shall report before the respondent police daily at 10.30 a.m., until further 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;

[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]**;

RMT.TEEKAA RAMAN, J.



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

23.08.2023

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