



Crl.O.P.No.19051 of 2023

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

The matter is listed today under the caption “for being spoken to”.

2. It is seen that in the cause title dated 25.08.2023, the name of the learned counsel for the petitioner was not correctly printed and a wrong name has been printed and hence, the learned counsel for the petitioner was unable made his representation on that day, which resulted in dismissal of the petition. Hence, that order is hereby withdrawn and I am inclined to pass the following orders:

3. The petitioner, who apprehends arrest for the alleged offence under Sections 273 and 328 of IPC r/w 6(b), 24(1) of the Cigarettes and other Tobacco Products Act, 2003, Crime No. 125 of 2023, on the file of the respondent police, seeks anticipatory bail.

4. The case of the prosecution is that the petitioner along with other accused was found in possession of banned tobacco products worth of more than Rs.50,000/-. Hence, a case was registered against the petitioner.



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5.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 based on the confession statement given by A1. On instructions, he would further submit that the petitioner is ready to deposit an amount of Rs.30,000/- to the **Adyar Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai (or) Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram**, and prays for grant of anticipatory bail to the petitioner.

6. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner and along with other accused were alleged to have transported banned tobacco products to the worth of more than Rs.50,000/-. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

7. Taking into consideration the facts of the case and the submissions made by the learned counsels and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.30,000/- to the **Adyar Cancer**



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Institute (WIA), East Canal Bank Road, Adyar, Chennai, this Court is

inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai, 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 copy made ready, before the learned Judicial Magistrate, Uthukuli, 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 deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai.**

[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.

[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.

29.08.2023

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