



Crl.O.P.No.25237 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 328 IPC r/w Section 22 (a) of the Cigarettes and Other Tobacco Products Act, 2003, in Crime No.1409 of 2023, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing on behalf of the respondent.

3.The learned counsel for the petitioner states that the earlier anticipatory bail petition had been dismissed on 05.10.2023 in Crl.O.P.No.22867 of 2023. There are no previous cases pending against the petitioner herein. But investigation will have to be done to find out the source from which the petitioner had purchased the banned tobacco products. I would grant anticipatory bail to the petitioner, but he must co-operate during the course of investigation and must also disclose the source for purchasing the banned tobacco products. If he does not make out the correct disclosure, the respondent police are at liberty to file an application for cancellation of this anticipatory bail order.



Crl.O.P.No.25237 of 2023

WEB COPY

4.In view of all these factors, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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.I, Tiruppur**, 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 report before the respondent Police everyday at 10.00 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.25237 of 2023

[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;

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Crl.O.P.No.25237 of 2023

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21.11.2023