



Crl.O.P.No.26464 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner herein seeks anticipatory bail in Crime No.292 of 2023 registered by the respondent Police for the offences under Sections 20(2), 24(1) of Cigarette and other Tobacco Products Acts, 2003 and Section 328 IPC.

2.The learned counsel for the petitioner stated that he has been falsely implicated as an accused in this case. Apprehending arrest from the respondent police, he seeks bail to the petitioner.

3.The learned Government Advocate (Criminal side) stated that on 26.10.2023, the respondent had gone over to the godown belonged to the petitioner herein and seized 500 kgs of MAWA. The 1st accused had been arrested and still in custody. Thus, he prays for dismissal of this petition.

4.The learned counsel for the petitioner stated that the petitioner was never in that place and he was not at all aware of the storage of the particular contraband in that godown. It is further stated that it was the 1st accused who was looking after the godown.



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5. Records had been perused and it is seen that the witnesses in the seizure mahazer were only the police witnesses. Taking all the factors into consideration, I am inclined to grant anticipatory bail to the petitioner with a condition to the petitioner to deposit a sum of Rs.25,000/- to the credit of Dean, Government Stanley Hospital, Chennai for using the amount for treatment of needy patients.

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 X Metropolitan Magistrate, Egmore, Chennai** 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



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pass Book to ensure their identity.

[b] the petitioner to deposit a sum of Rs.25,000/- to the credit of Dean, Government Stanley Hospital, Chennai for using the amount for treatment of needy patients.

[c] the petitioner shall report before the respondent Police, daily at 10.00 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;

22.11.2023

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