



Crl.O.P.No.32704 of 2022

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 7, 20(1) of Cigarette and other Tobacco Products Act, 2003 r/w Sections 52 and 59 of Food Safety and Standards Act, 2006 and Section 328 of IPC, in Crime No. 128 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused were found in possession of 463 Kgs of banned Tobacco products worth of Rs.26,81,832/-. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they are no way connected with the alleged offence. He would further submit that based on the confession statement of A2, the petitioners were implicated as accused in this case and A4 was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that there are totally 21 accused in this case in which the petitioners are arrayed as A17,



A18 and A20. The petitioners along with other accused persons were in possession of 463 Kgs of banned Tobacco products worth of Rs.26,81,832/-. He would further submit that each of the petitioner having two previous cases pending against them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Though, this Court had dismissed the earlier anticipatory bail petitions filed by the petitioners on two occasions, the respondent failed to secure the petitioners so far. Therefore, no purpose would served if the anticipatory bail petition is dismissed as against the petitioners.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the first and second petitioner alone. In so far as, the third petitioner is concerned, he was already arrested therefore, he seeks permission of this Court to withdraw the petition and he has made an endorsement in the Court bundle to that effect, the anticipatory bail for the third petitioner is dismissed as not pressed and as far as the first and second petitioner is concerned, they are ordered to be released on anticipatory bail with certain conditions.



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7. Accordingly, the first and second petitioner shall deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) each as non refundable deposit to the credit of the **RAY OF LIGHT FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864; No.10, Nageswara Road, Nungambakkam, Chennai, Tamil Nadu 600034; Ph No.8939065431**, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate – II, Krishnagiri, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with **two blood related 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 petitioners shall deposit a sum of **Rs.50,000/-** (Rupees Fifty Thousand only) each as non refundable deposit to the credit of the **RAY OF LIGHT**



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**FOUNDATION; A/c No : 50100078904233; IFSC code : HDFC0001864;  
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[c] the petitioners shall report before the respondent police daily at 10.30 a.m, and 04.30 p.m, until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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