



Crl.O.P.No.26878 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner/A2 seeks anticipatory bail in Crime No.559 of 2023, registered by the respondent police for the offences punishable under Sections 7, 20(ii) of COTPA Act, 2003, r/w Sections 273 & 328 of IPC, with respect to an occurrence which took place on 30.08.2023.

2.It is stated that from a Maruti car, the respondent had seized 20.700 Kgs of banned tobacco products, total value of Rs.22,287/-.

3.It is stated that there is one previous case against the petitioner herein but however, taking further factors into consideration, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

4.Accordingly, the petitioner is ordered to be released on anticipatory 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 **Judicial Magistrate, Omalur**, on condition that the petitioner



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shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 10.30 a.m., until further orders.

[c] the petitioner shall make a non-refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the Dean, Government General Hospital, Salem, for the treatment of needy patients.

[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



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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.

11.12.2023

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C.V.KARTHIKEYAN,J.

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