

Crl.O.P.No.299 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 7 and 20(1) of Cigarette and other Tobacco Products Act 2003 r/w Section 273 and 328 of IPC r/w 52 & 59 of Food Safety and Standards Act, 2006 in Cr.No.798 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner/A3 along two others have illegally transported 1980 Kgs of banned Tobacco products by using Eicher lorry. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the petitioner/A3 along with two accused persons were in possession of 1980 Kgs of banned tobacco products. He further submit that there is no previous case pending against the petitioner. Hence, he opposed to grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute some amount for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate Omalur**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with two sureties out of which one will be a blood related surety 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 is directed to deposit a sum of **Rs.75,000/- (Rupees Seven Five Thousand only)** to the **Registered Advocate Clerks Association, Dharmapuri** within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioner is directed to report before the respondent police every Saturday at 10.30 a.m., for a period of twelve weeks and thereafter as and when required for interrogation;

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

[e] the petitioner shall not abscond either during



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investigation or trial.

T.V.THAMILSELVI, J.

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[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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