



Crl.O.P.No.27104 of 2023

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C.V.KARTHIKEYAN, J.

This is second application filed by the petitioner/first accused. Earlier anticipatory bail had been dismissed on 31.10.2023 in Crl.O.P.No. 24519 of 2023.

2. The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 24(1) of Cigarette and other Tobacco Products Act, 2003 and Section 328 of IPC in Crime No.327 of 2023, seeks anticipatory bail.

3. It is stated that the petitioner is the owner of the vehicle namely, Maruti Suzuki EECp bearing Reg.No.TN-21-BL-9722. From the said vehicle, 70Kgs of banned tobacco products had been seized. It is stated by the learned counsel for the petitioner that the friend of the petitioner one Raja who is running a grocery shop had sought hire of the vehicle and the petitioner is not aware of the purpose for which the vehicle is used. It is also stated that the other accused had been granted anticipatory bail. But the overt act as against the petitioner is that the banned tobacco products was found in the vehicle belonging to the petitioner herein. Investigation will have to be done with respect to the source of the banned tobacco and from where it had come.



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4. I am informed that the first accused had been granted anticipatory bail in Crl.O.P.No. 19214 of 2023 by an order dated 28.08.2023 by my learned predecessor. The learned counsel therefore claims parity.

5. Taking all the factors into consideration, 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, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Sriperumbur, 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.



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[b] the petitioner is directed to deposit a sum of Rs.1,50,000/- to the Deen, Chengalpattu Government Hospital, within a period of two weeks, to be used for treatment of needy patients.

[c] the petitioner shall report before the respondent police daily at 10.30 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.

29.11.2023

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