



Crl.O.P.No.32638 of 2022

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 6(a), 24(1) of COTP Act 2003 r/w 328 of IPC in Crime No.320 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the main accused namely Afrose Ahamed given a confession statement before the respondent Police stating that he purchased tobacco products from the petitioner worth about 10 kgs 142 grams value of the property is Rs.17,676/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and based on the confession statement recorded from the main accused, he has been falsely implicated in this case. He would also submit that he has nothing to do with the alleged offence and hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the main accused namely Afroze Ahamed given a confession statement before the respondent Police stating that he purchased tobacco products from the petitioner worth about 10 kgs 142 grams value of the property is Rs.17,676/-. He would submit that there is no previous case pending against him. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that without prejudice, the petitioner is ready and willing to pay a sum of Rs.15,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7.Considering the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that there is no previous case pending against him, this court is inclined to grant



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anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Registered Advocate Clerk Association, Thirupathur** and on such receipt and receipt of proof of payment, 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 Judicial Magistrate, Ambur, 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



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identity.

(b) the petitioner shall report before the respondent police station on every Wednesday at 10.30 a.m., for a period of six weeks;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e) 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

03.01.2023

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