



Crl.O.P.Nos.27322 and 27452 of 2023

C.V.KARTHIKEYAN, J.

A5 has filed Crl.OP.No.27322 and A3 has filed Crl.OP.No.27452 of 2023, both in Crime No.896 of 2023, registered under Sections 272, 273, 328 IPC, 24(1) COTPA Act 2003, 77 J.J. Act 2015, Section 7 and 9 (ii) of Tamil Nadu Prohibition of Smoking and Spitting Act, 2003, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

3.A5 is the driver of a vehicle and he supplies Tobacco and he is working under A1 who supplies tobacco to retailers in Chennai. A3, is one of those who provide the Tobacco for such supply. A4, who is absconding is in Karnataka and who also supplies Tobacco. A1 and A2 had been detained under Tamil Nadu Act 14 of 1982. The learned counsel for the petitioners stated that the petitioners have been implicated only on the confession of A1 and A2. But, from the possession of A3, nearly about 80 kilo grams of banned Tobacco products had been seized.

4.Taking these factors into consideration, I am not inclined to grant anticipatory bail to A3 in the said petition **in Crl.OP.No.27452 of 2023 stands dismissed**. With respect to A5, who has filed **Crl.OP.No.27322 of 2023**, since



it is stated that he is only a driver, anticipatory bail is granted. But however since he had supplied Tobacco, and the vehicle was used for that purpose condition is imposed that he should deposit a sum of Rs.50,000/- to the Dean, **Government Stanley Hospital** at Chennai, for treatment of the needy patients.

5. Accordingly, the petitioner/A5 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 No.II, Poonamallee**, 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.

[b] the petitioner/A5 to appear before the respondent police **every day at 10.30 a.m**, until further orders.

Additionally, the petitioner/A5 is directed **to deposit a sum of of Rs.50,000/- to the Dean**,



Government Stanley Hospital at Chennai, for treatment of the needy patients.

[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 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];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

08.12.2023

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C.V.KARTHIKEYAN, J.

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CrI.O.P.Nos.27322 and 27452 of 2023
27452 of 2023 (dismissed)
27322 of 2023 (Allowed)

08.12.2023