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Crl.O.P.No.28740 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner in A2 in Crime No.1787 of 2023, registered under Section 328 of IPC r/w Section 22(a) of the Cigarettes and Other Tobacco Products Act, 2003, seeks anticipatory bail.

2. It is stated by the learned counsel that the petitioner is 2nd accused and 1 1/2 kgs of banned tobacco products was secured only from A1. The learned counsel also stated that A1 had been granted bail in Crl.M.P.No.2439 of 2023 by order dated 06.11.2023, by the learned Principal Sessions Judge, Tiruppur.

3. However, the learned Government Advocate(Crl. Side) states on instructions that there are 9 previous cases against the petitioner herein of similar nature, of which, 5 are pending and in 4 he had been convicted on payment of fine on admission of offence.

4. An earlier application seeking anticipatory bail in Crl.O.P.No.26234 of 2023 had been dismissed on 20.11.2023.



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5. Taking all those factors into consideration that there are no previous cases as against the petitioner herein and the change in circumstances that there is substantial progress in the investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.I, Tiruppur**, 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 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks until further orders.

[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.

22.12.2023

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