



Crl.O.P.No.28467 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 & 511 IPC and Sections 6 & 24 (1) of Cigarette and Other Tobacco Products Act, 2003, in Crime No.503 of 2023, on the file of the respondent police seeks anticipatory bail.

2.The learned counsel for the petitioner states that the petitioner is an innocent person and he has been falsely implicated in this case. Thus, he prays for grant of anticipatory bail for the petitioner.

3.It is stated by the learned Government Advocate (Crl.Side) appearing on behalf of the respondent that on 24.10.2023, that the respondent had searched Mugunthan Grocery Shop and had recovered 245 Kgs of banned tobacco products. The shop was run by the second accused. It is the specific case of the respondent that the petitioner supplied banned tobacco products. Thus, he prayed for dismissal of this petition.

4.The learned counsel for the petitioner states that the petitioner has another shop 20 kms away. The previous bail application in Crl.OP.No.26261 of 2023 was dismissed on 17.11.2023. The one change in circumstance is that the investigation has proceed to a substantial extent. In view of that particular fact,



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anticipatory bail is granted. However, directing the petitioner herein to deposit a **sum of Rs.25,000/- to the Dean of the Government General Hospital, Salem** for treatment of needy patients.

5. Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 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 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 **to appear before the respondent everyday at 10.30 am.,** until further orders.

Additionally, the petitioner is directed to deposit a **sum of Rs.25,000/- to the Dean of the Government General Hospital, Salem** for treatment of needy patients.



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[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]**.

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

20.12.2023

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