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Crl.O.P.No.28840 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A3 seeks anticipatory bail in Crime No.896 of 2023 registered by the respondent Police for the offences punishable under Sections 272, 273, 328 IPC, 24(1) COTPA Act, 2003, 77 J.J.Act 2015, Sec 7 and 9(ii) of Tamil Nadu Prohibition of Smoking and Spitting Act, 2003.

2. It is stated that totally 167.15 kgs of banned tobacco products had been seized.

3. It is the case of the prosecution that A1 is the purchaser of these banned tobacco products and in turn had supplied them to other accused for sale in retail. In that manner, it is alleged that this petitioner, was in possession of 73 kgs of banned tobacco products.

4. The learned counsel for the petitioner however stated that the petitioner is innocent and there are no previous cases as against the petitioner herein.

5. An earlier application seeking anticipatory bail in Crl.O.P.No.27452 of 2023 had been dismissed on 08.12.2023 but on the same day, anticipatory bail application of A5 had been considered and



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granted.

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6. However, taking all other factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner, but however, **directing the petitioner to deposit an amount of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to the credit of Crime No.896 of 2023 before the Judicial Magistrate No.II, Poonamallee. The said amount may be handed over by the Judicial Magistrate No.II, Poonamallee to the Dean, Government Stanley Hospital, Chennai, for treating the needy patients.**

7. 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.II, Poonamallee**, on condition that the petitioner shall execute a separate 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:



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[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 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.

[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.



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