



Crl.O.P.No.28974 of 2023

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WEB COPY **P.DHANABAL, J.**

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 272, 273, 328 of IPC in Crime No.514 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.12.2023 around 10.30 PM he received information and went to MGR Nagar, 6th Street, Vyasarpadi and found some persons standing in suspicious manner and he along with his police men cornered the A1 and A2 and confiscated the tobacco product and they alleged to have seized 1.295 KG of tobacco product from them and subsequently arrested the accused other accused and registered FIR. Hence this case.

3. The learned counsel for the petitioners would contend that the petitioners are an innocent person and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) would submit that four previous cases pending against A1 and no previous case pending against A2. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the nature of offences and no previous case pending against A2, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioners are 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 *learned Xth Metropolitan Magistrate, at Egmore, Chennai* on condition that the petitioners 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 learned Magistrate concerned and on further condition that:



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[a] the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

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

28.12.2023

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