



Crl.O.P.No.28996 of 2023

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P.DHANABAL, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7 r/w 24(1) of COTP Act and 328, 332 of IPC in Crime No.470 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.11.2023, the complainant has got an secret information that the some unknown person were illegally stocking the banned tobacco product in a house, based on information the complainant and their team were reached the spot and on their informer has identified three person, on their the petitioners along another were loading some white colour plastic bag from the four wheeler, on seeing this the complainant and his team has surrounded them, on this the petitioners were escaped from the spot with the four wheeler, mean while the third Accused has secured by the complainant and he had relived his names and address on suspect the complainant made an enquiry at the time the named Accused A3 were in possession of



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648 kilograms of Banded Tobacco product and the above petitioners

were came in the FIR on the confession of the arrested person A3.

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.

4. The learned Government Advocate (Crl. Side) would submit that no previous case pending against the petitioners. 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 fact that no previous case pending against the petitioners, and considering the nature of offences, this Court is inclined to grant anticipatory bail to the petitioner, subject to the



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following conditions:

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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 District Munsif-cum-Judicial Magistrate, Annoor* 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:

[a] the petitioners shall report before the respondent police daily at 10.00 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[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



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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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