



Crl.O.P.No.28972 of 2023

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P.DHANABAL, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(b), 24(1) of COTP Act and 272, 273, 328, 353, 506(ii) of IPC in Crime No.186 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.11.2023 the complainant has got an secret information that the some unknown person were illegally stocking the banned tobacco product in a Godown, based on information the complainant and their team were reached the spot and on their the informer has identified a person revealed his names and address as Rajendra Ghevarchand Jain, on seeing this the complainant and his team has surrounded him and enquired about the white colour plastic bags, on that above said named accused as confessed the petitioner name in the FIR. Hence this case.

<https://www.mhc.tn.gov.in/judis> 3. The learned counsel for the petitioner would contend that



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the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that no previous case pending against the petitioner and the co-accused already released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

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

7. 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



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learned Metropolitan Magistrate - VIII, Geroge Town, Chennai 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 learned Magistrate concerned and on further condition that:

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

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

[c] the petitioner 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 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].

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

28.12.2023

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