



Crl.O.P.No.29176 of 2023

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WEB C **P.DHANABAL, J.**

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 272, 273 and 328 of I.P.C and Section 6(a) and 24(1) of COTP Act and Sections 7 and 9(ii) of TNPSS Act and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.464 of 2023 on the file of the respondent Police, seeks Anticipatory Bail.

2. The case of the prosecution is that on 02.12.2023 at around 9.00 A.M, while the respondent Police were in patrolling, they found A1 namely, one Manikandan, selling Cool Lips, a banned tobacco product, in a street and seized seven small packets of the said product and a cash of Rs.8850/-. A1 told that he bought the alleged contraband from A2 namely, one Vijay and A2 purchased the product from the petitioner. Hence the complaint.

3. The learned Counsel for the petitioner would contend that the petitioner has not committed any offence and he has been falsely implicated in this case. He would further contend that the property was



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also acquired from the other co-accused and this petitioner is not named in the First Information report and no case is pending against the petitioner and hence, prays to enlarge the petitioner on Anticipatory Bail.

4. The learned Government Advocate (Crl. Side) would submit that A1 has been arrested and released on bail and the property was also seized from the other accused. However, objected to grant Anticipatory Bail to the petitioners.

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

6. Considering the rival submissions on either side and considering that the property was also recovered from the other accused, considering that this petitioner is not named in the First Information Report and no previous case is pending as against the petitioner, this Court is inclined to grant Anticipatory Bail to the petitioner.

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



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the date on which the order copy made ready, before the learned XV

Metropolitan Magistrate, George 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 10.30 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.



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