

**CRL.O.P.No.29247 of 2023**

WEB COPY

P.DHANABAL, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5, 22(b) of COTPA Act and Sections 188 and 328 of IPC in Crime No.293 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.11.2023, based on a secret information received from the VAO, Kizhakkalpoondi, that the petitioner's company is indulging in sale of banned tobacco products. On inspection, 10.630 tonnes of banned tobacco products had been found. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has been falsely implicated in this case. He further contended that the petitioner's name was also not found in FIR. He also contented that the petitioner is ready to abide by any stringent condition imposed by this Court.



4.The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner was found in possession of 10.630 tonnes of banned tobacco products worth of Rs.2,12,600/- in his Company. He further submitted that the contraband has been seized. Hence he vehemently objected to grant anticipatory bail to the petitioner.

5.Considering the rival submissions made by the learned counsel on either side and considering the fact that the said Company has been de-sealed by the competent authority and thereafter, the petitioner entered into the premise and also considering that the petitioner is the owner of the licensed factory, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6.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 learned Judicial Magistrate, Thittakudi 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:



WEB COPY



[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 every day at 10.30 a.m., until further orders.

[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 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].

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

29.12.2023



WEB COPY



4

P.DHANABAL,J

rjr

CRL OP.No.29247 of 2023

29.12.2023