



Crl.O.P.No.706 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 328 of IPC and Section 24(1), 6 of COTP Act 2003 in Crime No.192 of 2023, seeks anticipatory bail.

2. It is stated that the respondent had seized banned tobacco products of 131 Kgs. The learned counsel for the petitioner stated that the petitioner was an accused in an earlier case in Crime No. 191 of 2023, registered on 30.09.2023 under Sections 273 and 24(1) of COTP Act. It is stated that he did not appear before the respondent in that particular case and therefore, this case is foisted against the petitioner.

3. The earlier application seeking anticipatory bail was dismissed on 16.11.2023 in Crl.O.P.No. 26041 of 2023. At that point of time, it had been noted that the contraband was 131 kgs. A counter has now been filed and it is stated that the contraband was 157.66 kgs. It is also seen that there are two previous cases against the petitioner in Cr.No. 23 of 2019 and in Cr.No. 191Of 2023. However, the earlier application seeking anticipatory bail was dismissed about four months back.



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4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 II Metropolitan Magistrate Court, Egmore, at 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 daily at 10.30 a.m., until further orders.

[c] the petitioner is directed to deposit a sum of Rs.50,000/- to the credit of the Dean, Government Stanley Hospital, Chennai, for treatment of needy patients.



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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

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