

Crl.O.P.No.180 of 2024**C.V.KARTHIKEYAN, J.**

The petitioners/A1,A2 and A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 328 of IPC and Section 22(a) of Cigarettee and other Tobacco products Act, 2003 in Crime No.1704 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have found in possession of 70 kg of Hans. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that co-accused/A4 and A5 are released on bail by the Principal Sessions Judge, Tiruppur in Crl.M.P.No.2409 of 2023 dated 02.11.2023. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent filed a counter wherein it is stated that the first petitioner is having three previous cases;and the second petitioner is having three previous cases and also the third petitioner is having two previous cases. Hence, he opposed to grant bail to the petitioners.

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



6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and also the fact that the co-accused had been released on bail by the trial Court, this Court is inclined to grant anticipatory bail to the petitioners.

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 is made ready, before the **learned Judicial Magistrate No.I, Tiruppur**, on condition that each of the petitioners shall execute a separate 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 petitioners 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] **each of the petitioners shall make a non-refundable deposit of Rs.30,000/- to the credit of the Dean, Government General Hospital, Tiruppur, for treatment of needy patients.**

[c] **the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.**



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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been 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]**.

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

29.01.2024

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