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CrI.O.P.No.2850 of 2024

C.V.KARTHIKEYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 328 of IPC and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.563 of 2023 on the file of the respondent, seeks anticipatory bail.

2.This is a second anticipatory bail petitioner and the earlier petition seeking anticipatory bail had been dismissed on 02.01.2024 in CrI.O.P.No.28927 of 2023.

3.It is stated that the petitioner along with other accused were found in possession of 404 Kgs of banned Tobacco Products, which had been seized. It is also stated that A1 had been detained under the Tamil Nadu Act 14 of 1982.

4.Taking the fact that the contraband had been seized and further progress in the investigation, this Court is inclined to grant anticipatory bail to the petitioner, but however, **directing the petitioner**



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to deposit an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of Crime No.563 of 2023 before the learned XVIII Metropolitan Magistrate, Saidapet. The said amount may be handed over by the learned XVIII Metropolitan Magistrate, Saidapet, to the Dean, Stanley Government Medical College and Hospital, Chennai, for treatment of needy patients.

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 learned XVIII Metropolitan Magistrate, Saidapet, 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



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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 everyday 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.

13.02.2024

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