



Crl.O.P.No.1881 of 2023

Crl.O.P.No.1881 of 2024

WEB COPY **C.V.KARTHIKEYAN,J.**

The petitioner/A4 in Crime No.227 of 2023, registered by the respondent police for the offences under Section 6(a) r/w 24(1) of COTPA Act, 2003, and Section 328 of IPC and Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015, seeks anticipatory bail.

2.It is stated that A1 and A2, the driver and cleaner of the lorry had been taken into custody on 24.12.2023 and bail had been granted by order dated 12.01.2024 in Crl.O.P.No.788 of 2024. But in that order, it was stated that they were in possession of 32.500 kgs of Hans and 24.350 kgs of Pan Masala. That is wrong and it had been wrongly represented since, it is 32.200 kgs of 21 bags each of Hans and 24.350 kgs of 5 bags each of Pan Masala. It would substantially increase the quantity seized to about 800 kgs.

3.It is stated that the petitioner and A3 are father and son and they were the prospective receivers of the tobacco products. Taking all the factors into consideration, I am inclined to grant anticipatory bail to



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the petitioner subject to the following conditions:

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4. Accordingly, the petitioner is 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 District Munsif cum Judicial Magistrate, Veppanthattai, Salem District, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 everyday morning at 10.30 a.m., and evening at 5.30 p.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.5,00,000/- to the credit of the Dean, Government General Hospital, Perambalur District, 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.

08.02.2024

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