



Crl.O.P.No.1990 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner/sixth accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 272, 273 and 328 of IPC read with Sections 24(1) of Cigarette and Other Tobacco Products Acts, 2003 in Crime No.570 of 2023, seeks anticipatory bail.

2. It is stated that the first accused is the brother of the petitioner and was found in possession of 88.5 kgs of banned tobacco. It is stated that the accused Nos. 1 to 5 had been arrested and subsequently granted bail. It is also stated that there are 5 previous cases against the petitioner.

3. The learned counsel for the petitioner stated that a false case has been put up against the petitioner.

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 Judicial Magistrate, Madhavaram, on condition that the petitioner shall execute a



Crl.O.P.No.1990 of 2024

WEB COPY

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.30,000/- to the Dean, Government Stanley Hospital, for treatment of needy people.

[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.



Crl.O.P.No.1990 of 2024

WEB COPY

[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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Crl.O.P.No.1990 of 2024

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