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CrI.O.P.No.3142 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner / A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7 and 20(1) of Cigarette and other Tobacco Products Act, 2003 and Sections 272 & 328 of IPC in Crime No.492 of 2023, seeks anticipatory bail.

2.The learned counsel for the petitioner stated that the petitioner is only a loadman who was loading the banned tobacco products in Eicher van. But the banned tobacco products was not of small quantity, but with weight of 2,471.136 kgs.

3.The earlier petition seeking anticipatory bail was dismissed on 12.12.2023 in CrI.O.P.No.27768 of 2023. It is the contention of the learned counsel for the petitioner that the petitioner, though owner of the building had let out the premises to the other accused and therefore was ignorant about the fact that who had stored the banned tobacco products



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in that particular building.

4.Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner, but however, **directing the petitioner to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of Crime No.492 of 2023 before the learned Judicial Magistrate, Omalur. The said amount may be handed over by the leanred Judicial Magistrate, Omalur, to the Dean, Government Medical College and Hospital, Salem, for the 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 Judicial Magistrate, Omalur, 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:



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[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 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.

08.04.2024

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