



Crl.O.P.No.10194 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/accused seeks anticipatory bail in Cr.No.337 of 2023 registered by the Respondent Police for the offences punishable under Section 24(1) of COTPA Act, 2003 and under Sections 328 and 279 of IPC.

2. It is the case of the prosecution that a Mahindra XUV-500 Vehicle bearing Regn.No.TN-21-BA-1830 had met with an accident. When the respondent police inspected the said vehicle, they found 440 kgs of banned tobacco products.

3. It is stated that the petitioner is the owner of the car. The only inference would be that he should be the owner of the banned tobacco products.

4. The earlier application seeking anticipatory bail was dismissed on 22.02.2024 in Crl.O.P.No.770 of 2024. Taking into consideration the



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fact that there has been progress in the investigation, this Court is inclined to grant anticipatory bail to the petitioner, with a condition that the petitioner should **deposit a a sum of Rs.40,000/- (Rupees Forty Thousand Only) to the Government General Hospital at Coimbatore for the treatment of needy patients.**

5. On such deposit being made and proof of the same be furnished, 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 District Munsif cum Judicial Magistrate Court, Madukkarai, 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 photographs



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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.

30.04.2024

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