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CrI.O.P.No.2322 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under Section 328 of IPC and Sections 7, 20(1) of COTPA Act, 2003 in Crime No.509 of 2023 on the file of the respondent, seeks anticipatory bail.

2.It is stated that A1 and A2 had been arrested and granted bail. The accused were found in possession of 211.2 kg of banned Tobacco products. It is stated that, they confessed that, it is this petitioner who had financed for the purchase of the said banned Tobacco products. There is no previous case against the petitioner herein.

3.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.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to the credit of Crime**



No.509 of 2023 before the learned Judicial Magistrate No.II, Hosur and on such deposit, the said amount may be handed over by the learned Judicial Magistrate No.II, Hosur, to the Dean, Government Hospital, Krishnagiri, for treatment of needy patients.

4. 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 – II, Hosur, 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 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



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police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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.

14.02.2024

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