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CrI.O.P.No.3457 of 2024

C.V.KARTHIKEYAN, J.

The petitioners/A2 and A3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 328 of IPC and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.52 of 2024 on the file of the respondent, seek anticipatory bail.

2.It is stated that the accused were in possession of banned Tobacco products namely, 300 grams of Maava, 1 packet of Swagath, 2 packets of Cool Lip and 1 packet of Hans, which had been seized. It is also stated that A1 had been arrested and granted bail.

3.However, taking into consideration the quantity of the banned Tobacco products seized and the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.



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4. Accordingly, the petitioners are 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 made ready, before the learned X Metropolitan Magistrate, Egmore, on condition that each one of the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or



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witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

16.02.2024

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