



Crl.O.P.No.5332 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 273, 328 of IPC and 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No. 300 of 2023, seek anticipatory bail.

2. It is the case of the prosecution is that A2 was intercepted while riding a two wheeler, and the respondents found 50 packets of tobacco. Based on the confession of A2, the respondent police went over to the mini truck in the possession of A1 and from there 118.565 kgs of banned tobacco products had been seized. The petitioners herein had been implicated, based on the confession of A2 who claimed that A3 and A4 had financed for purchase of tobacco from Bangalore for supply to the local public for personal gain. According to the confession of the arrested accused, the petitioners have purchased the banned tobacco products from Bangalore and supplied it for further distribution.

3. The learned counsel for the petitioners pointed out that A1 and A2 had been arrested and granted bail by the learned Principal Sessions Judge, Cuddalore by two separate orders dated 03.08.2023. He also pointed out that the role of these petitioners have been fixed by the respondent police only on the basis of the confession and not on recovery and also not on possession of banned tobacco products. But, the investigation will have to be conducted as to the source of tobacco products.



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4. The earlier application seeking anticipatory bail was dismissed on 07.12.2023 in Crl.O.P.No. 27005 of 2023. It is seen that in the order it had been observed that the value of banned tobacco products was Rs.2,94,273/-. It is also seen that the accused Nos. 1 and 2 have been arrested and granted bail.

5. The learned counsel for the petitioner stated that the entire incident is said to have been occurred in the year 2023.

6. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Judicial Magistrate No.II, Panruti, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 this Court 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.



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[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall deposit a sum of Rs.25,000/- each to the credit of the Government General Hospital at Cuddalore, for treatment of needy patients.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

25.03.2024

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