



Crl.O.P.No.9322 of 2024

Crl.O.P.No.9322 of 2024

WEB COPY

C.V.KARTHIKEYAN,J.

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences under Sections 328 IPC r/w Section 20(2) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.301 of 2023 seeks anticipatory bail.

2.The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated for the offences under Sections 328 IPC r/w 20(2) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.301 of 2023. It is stated that the petitioner is running only a petty shop. He has nothing to do with the alleged seizure of tobacco products. Thus, he seeks anticipatory bail to the petitioner.

3. It is stated by the learned Government Advocate (Crl.Side) that the respondent police on 07.10.2023 recovered 39 kgs of banned tobacco products from the shop of the petitioner.



Crl.O.P.No.9322 of 2024

4.The earlier application seeking Anticipatory Bail was dismissed by this Court on 18.10.2023 in Crl. O.P.No.23857 of 2023. It is seen that from that date there has been substantial progress in the investigation and also there is a fact that there is no previous case against the petitioner. In view of that particular fact, this Court is inclined to grant anticipatory bail to the petitioner, but however, directing the petitioner to deposit a sum of Rs.25,000/- (Twenty Five Thousand) to the Government Hospital, Namakkal for the treatment of patients.

5. Taking all the factors into consideration, 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 Court, Tiruchengode, 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:



Crl.O.P.No.9322 of 2024

[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.

17.04.2024

Maya



WEB COPY



Crl.O.P.No.9322 of 2024

C.V.KARTHIKEYAN,J.

Maya

Crl.O.P.No.9322 of 2024

17.04.2024