

Crl.O.P.No.8859 of 2024

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 272, 273, 328, 353, 506(i) of IPC r/w 24(1) of Cigarette and other Tobacco Products, 2003 in Crime No.66 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused was found in possession of cool lip-22 pockets, Hans – 83 pockets, Vimal – 180 pockets, V-1 Vimal – 180 pockets, MDM-15 box, RMD-12 Box, totally banned Tobacco Product worth about 65kgs. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that based on the confession of A1, this petitioner was arrested. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute some amount to any Charitable Purpose as may be

directed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused was found in possession of banned Tobacco Product worth about 65kgs. He further submits that the co-accused A1 was arrested and released on bail. He further submits that the petitioner has no previous case pending against him. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and the submissions made by the learned counsel and also considering the fact that the petitioner without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from

the date of receipt of a copy of this order before the *learned Judicial Magistrate No.I, Tiruvallur*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, 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 and on further condition that:

(a)the petitioner shall make a non-refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of **Government Rehabilitation Home for Leprosy Cured, Deviyakuruchi, Salem District, A/c.No.542231612, Indian Bank, Talaivasal Branch, IFSC Code:IDIB000T002, Cell No.9965025341, 9080224678.**

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m, for a period of eight weeks;

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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

10.04.2024

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