



Crl.O.P.No.9552 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 24(1) of COTPA Act (The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act read with Section 328 of IPC on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner has supplied the banned tobacco products from Bangalore to Chennai to the accused No.1 in the above said Crime No. and further that the respondent police has apprehended one Nitesh Kumar (A1) and Arjoo Ahamed (A2) and based on the confessions of the said accused No.1, the petitioner's name has been implicated in the above FIR. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and his incarceration will leave a permanent scar on his psyche. He is the sole bread winner of his family. The petitioner hails from a respected family and is a law-abiding citizen. He was not involved in any



previous cases. He is ready to abide by any condition that may be imposed on them by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner is an habitual offender. Based on the confession of A1, the petitioner has been roped in this case. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner are directed 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 X Metropolitan Magistrate, Egmore, Chennai**, 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

*(b) the petitioner shall deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand Only)** to the credit of **Dhanabakkiammal Social Welfare Trust, D-3, 1/338, Vasantham Apartment, Sabari Salai, Madipakkam, Chennai – 91**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;*

(c) the petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for a period of three months;

(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



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*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 Judge 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.

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