



Crl.O.P.No.9855 of 2024

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 328 IPC and Section 24(1) of COTP Act, 2003, Section 77 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 7 and 9(ii) of TNPSS Act, 2003 in Crime No.218 of 2024, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police were on regular vehicle check up, the petitioners/A3 and A4 along with the other accused persons were engaged in selling of intoxicating banned tobacco products(Mawa) to school students. The respondent police seized 3 kgs of Mawa from A1 and 1 ½ kgs of Mawa from A2. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that 1st and 2nd petitioners are wife and sister of A1. He would submit that the petitioners are innocent persons and they have not committed any offence as alleged



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by the prosecution and based on the confessional statement, a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners

4. The learned Government Advocate (Crl.side) for the respondent police submitted that petitioners along with other accused persons were engaged in selling of banned tobacco products. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by the learned counsels on either side and considering the fact that the alleged contraband is an intermediate quantity and also the co-accused was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are directed to **deposit a sum of Rs.5000/- (Rupees Five Thousand Only) each** as non-refundable to the credit of the registered “**Advocates Clerks Association, Chennai**” and on such deposit and production of proof, the petitioners are ordered to be



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released on anticipatory bail in the event of arrest or on their appearance

before the **learned XV Metropolitan Magistrate Court, George**

Town, Chennai on condition that 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 are directed to report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

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



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[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.

24.04.2024

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