



Crl.O.P.No.10510 of 2024

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C.V.KARTHIKEYAN, J.

The petitioners/A1, A2, A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 335, 506(1) of IPC r/w 24(1) of Cigarette and Other Tobacco Products Act in Crime No.645 of 2023, seek anticipatory bail.

2.The petitioners are three brothers and one sister. It is the case of the prosecution that on 16.12.2023, the defacto complainant who received information about the sales of banned tobacco products, had employed a decoy to purchase the said tobacco products from the shop of the petitioners herein. Thereafter, the respondent went to inspect the shop to seize the banned tobacco products. At that time, the petitioners had assaulted them and one of the police party had fallen down and suffered injuries. The petitioners had complicated the entire issue. They were not only selling banned tobacco products but also assaulted the police party in uniform who have every right to search any place for banned tobacco products or for any other illegally sold products.



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3.The earlier petition seeking anticipatory bail was dismissed on 29.01.2024 in Crl.O.P.No.268 of 2024 nearly about more than five months back. But the respondent have not taken any steps to secure the petitioners. Even if the present anticipatory bail petition is dismissed, once again the respondent would not take any steps and again another anticipatory bail petition alone would be filed.

4.Taking that factor into consideration, I am inclined to grant anticipatory bail to the petitioners, however, directing each one of the petitioners to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the credit of Crime No.645 of 2023 before the learned Judicial Magistrate - II, Cuddalore. The said amount may be handed over by the learned Judicial Magistrate – II, Cuddalore, to the Chief Medical Officer, Government General Hospital, Cuddalore, for the treatment of needy patients.

5.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 – II, Cuddalore, on condition that the



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petitioners shall execute 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 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 shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[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**



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smv

Kerala [(2005)AIR SCW 5560].

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

25.06.2024

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