



Crl.O.P.No.10798 of 2024

Crl.O.P.No.10798 of 2024

WEB COPY

T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 24(1) The Cigarette and Other Tobacco Products Acts 2003 and Section 328 of IPC, in Crime No.237 of 2024, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant is that the petitioner along with other accused persons was found in illegal possession of Swagath-5kg, Vimal-5kg, tobacco products and the same was seized by the defacto complainant. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and has been falsely implicated in this case. He further submits that he is ready to abide by any condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.10798 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused persons was found in illegal possession of Swagath-5kg, Vimal-5kg, tobacco products. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels, 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, Poonthamallee***, 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:



Crl.O.P.No.10798 of 2024

WEB COPY

(a) the petitioner is directed to deposit a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** to the credit of the **Advocate Clerk Association, Salem**, 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.

(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 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 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;



WEB COPY



Crl.O.P.No.10798 of 2024

T.V.THAMILSELVI, J.

drl

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

30.04.2024

drl

Crl.O.P.No.10798 of 2024