



Crl.O.P.No.11441 of 2024

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K.KUMARESH BABU, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 328 of I.P.C., and Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.175 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.04.2024, when the respondent police were in regular patrol duty, the petitioner was found in possession of banned Gutca products worth about Rs.7,636/-. Hence, the case.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.



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5. The learned Government Advocate (Crl.side) would submit that the banned tobacco products had been seized. However, he opposed for granting anticipatory bail to the petitioner.

6. Taking into consideration the fact that the banned tobacco products had been seized from the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered 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 Judicial Magistrate No.I, Kancheepuram**, 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, 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 Magistrate may obtain a copy of their Aadhar



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card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.00.a.m., for a period of two weeks and thereafter, as and when required.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

09.05.2024

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