



Crl.O.P.No.11676 of 2024

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K.KUMARESH BABU, J.

The petitioner seeks anticipatory bail in Crime No.345 of 2024 registered by the respondent Police for the offences under Sections 273 and 378 of IPC and 7 and 9(ii) of TN Prohibition of Smoking and Spitting Act and Section 6 and 2(4)(I) of Cigarette and other Tobacco Products Act with respect to an occurrence which had taken place on 03.05.2024.

2.The case of the prosecution is that on 03.05.2024 the petitioner along with four others, was found selling Mava and other tobacco products.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) vehemently opposed to grant anticipatory bail to the petitioner stating that the respondent police confiscated 1010 packets of Mava (13600 grams) and other tobacco products from the accused persons. However, he would submit that there is no previous case against the petitioner.

5.Taking into consideration of all the factors, I am inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 days from the date on which the order copy made ready, before the **learned XV Metropolitan Magistrate, George Town, 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 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 card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.

[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



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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

vsn



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