



Crl.O.P.No.12315 of 2024

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C.SARAVANAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279, 328 of I.P.C., and Sections 6, 20(1) of Cigarettes and Other Tobacco Products Act, 2003 r/w. Section 4(1)(a) of Tamilnadu Prohibition Act, 1937 in Crime No.136 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were in regular patrol duty on 30.03.2024 at Krishnagiri to Hosur Road, the petitioner along with other accused had illegally transported 163 kgs of tobacco products and 10 pockets (each 180 ml) of liquor worth about Rs.800/- in a car bearing Registration No.TN30 BC 8161. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he claims to be from noble family and prayed for granting Anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. side) on instructions would submit that the petitioner was in illegal possession of larger quantities of Tobacco products in violation of Cigarettes and Other Tobacco Products Act, 2003 and had allegedly committed the offence under I.P.C., However, there are no previous cases against the petitioner.

5. Considering the same, this Court is inclined to grant Anticipatory Bail subject to a condition that the petitioner shall donate a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the **Adyar Cancer Institute (WIA), East Canal bank Road, Adyar, Chennai.**

6. Accordingly, the petitioner is directed to donate a sum of Rs.50,000/- (Rupees Fifty thousand only) to **Adyar Cancer Institute (WIA) East Canal bank Road, Adyar, Chennai** and on production of proof for the same, 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



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Magistrate No.I, Hosur, 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 as and when required for interrogation;

[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

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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.

23.05.2024

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