



Crl.O.P.No.12277 of 2024

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C.SARAVANAN, J.

The petitioner, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 278, 328 of IPC r/w section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.94 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is accused No.1 in Crime No.94 of 2024 and in his godown about 13.300 kgs of banned tobacco products was found. It is noticed that one of the accused has secured a bail before this Court on 24.04.2024 in Crime No.94 of 2024 in Crl.O.P.No.9981 of 2024.

3. The learned counsel appearing for the petitioner would submit 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.



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4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent and perused the materials available on record.

5. Considering the nature of the offence committed by the petitioner and considering the fact that the petitioner is the owner of the godown from where the contraband quantity of tobacco product was found, this Court is inclined to grant Anticipatory Bail subject to a conditions that the petitioner shall co-operate with the respondent in the investigation and donate a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Advocate Clerks Welfare Association, Madras High Court, Chennai along with other conditions stipulated hereunder.

6. Accordingly, the petitioner is directed to donate a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to **Advocate Clerks Welfare Association, Madras High Court, Chennai** and on production of proof for the same, the petitioner is ordered to be released on bail in the event of



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arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVIII Metropolitan Magistrate, Saidapet, 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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.



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[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.

24.05.2024

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