



Crl.O.P.No.12497 of 2024

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 272, 273, 328 of IPC and under Section 6(a), 24(1) of Cigarette and other Tobacco Products Act, 2003, and under Section 7, 9(ii) of TN Prohibition of Smoking & Spitting Act, 2003 r/w under Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.337 of 2024, on the file of the respondent police, seek anticipatory bail.

2. Totally there are two accused and the petitioner herein is ranked as A2. The case of the prosecution is that when the respondent Police and his team were on their regular patrol duty, they found that the first accused was illegally selling banned tobacco products, which were purchased by a few young men and boys. The respondent has arrested him and seized about one kilogram of banned tobacco products from the first accused. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated only based



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on the false confession statement given by the first accused. He also stated that the petitioner is in no way connected with the alleged offence and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the first accused was in illegal possession of one kilogram of banned tobacco products. He also stated that based on the confession statement recorded from the arrested first accused, it came to know that the present petitioner was also involved in this offence. Hence, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, without prejudice her rights, on her own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) and perused the materials available on record.

7. In order to curb the illegal activities of smuggling and selling of tobacco products, this Court is of the opinion that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to **"Sri Kalai Environment Education and Health Trust, C/A. No.33086854732, State Bank of India, IFSC Code: SBIN0011718, Valachery Branch, 100 FT Road, Rajalakshmi Nagar, Valachery, Chennai – 600 042,** without prejudice to her rights and contentions before the trial Court.

8. Merely, because the petitioner deposits the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. Taking into consideration the facts and submissions made by the learned counsel and also taking note of the fact that the petitioner without prejudice her rights, on her own volition, is ready and willing to contribute



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some amount to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned XXI Metropolitan Magistrate Court, Egmore, Chennai*, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 stands dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non refundable deposit to "Sri Kalai Environment Education and Health Trust, C/A. No.33086854732, State Bank of India, IFSC Code: SBIN0011718, Valachery Branch, 100 FT Road, Rajalakshmi Nagar, Valachery, Chennai – 600 042, (for cremation the dead bodies) within a period of two weeks from the date of receipt of a copy of this order and shall



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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 Magistrate 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 every Wednesday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;

[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 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]**;



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[g] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

10.06.2024

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