



Crl.OP.No.19137 of 2024

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P.DHANABAL,J

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 274, 275, 123 of The Bharatiya Nyaya Sanhita (BNS), 2023, under section 6 and 24(I) Cigarette and Others Tobacco Products Acts 2003, 7 and 9(ii) of the Tamil Nadu Prohibition of Smoking and Spiting Act 2003 and under Section 77 of The Juvenila Justice (Care and Protection of Childrens) Act 2015 in Crime No.529 of 2024, on the file of the respondent, seeks anticipatory bail.

2.The prosecution's case is that the case of the prosecution is that the defacto complainant is the respondent police have suo-moto yet to register an F.I.R against this petitioner as he had possession of banned tobacco products at his home. Hence the petition.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and his uncle was running an petty shop named as velu, he kept some products in his home; but subsequently the respondent police tries to arrest this petitioner without any valid proof and



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evidence. Hence, he prays to grant anticipatory bail to the petitioner.

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4. The Government Advocate (criminal side) for the respondent police would submit the petitioner is the sole accused and a possession of 15 kg Kutka was recovered nearby his house and investigation is pending. However, considering the quantity of the contraband, he opposed to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival representations made by both sides' learned counsels, the nature of offence and also considering that there is no previous case pending similar in nature and also considering other aspect, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is **allowed** and the petitioner is ordered to be released on anticipatory bail in the event of his 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, Poonamalle**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two



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sureties for a like sum to the satisfaction of the learned Magistrate

concerned and on further condition that:

[a] the petitioner shall report before the respondent police at 10.30 a.m., for a period of 30 days, thereafter as and when required for interrogation;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the respondent police is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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- 1.The Judicial Magistrate, Poonamalle.
2. The Inspector of Police,
R-9, Valasarawakkam Police Station,
Valasarawakkam Chennai 600 087.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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