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Crl.OP.No.19569 of 2024

Crl.O.P.No.19569 of 2024

P.DHANABAL, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 132, 351(3) of BNS and Sections 7(3), 20(2) of the Cigarette and other Tobacco Products Acts in Crime No.511 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the accused 3 to 5 were in possession of prohibited products and they confessed they are working at the instructions of the accused 1 and 2. The first accused/petitioner is the owner of the Godown. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person has nothing to do with the alleged occurrence and further, he was not in the spot. It is the contention that he is falsely implicated in this case and seeks anticipatory bail.



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4. The learned Government Advocate (Crl.Side) would submit that this petitioner is the owner of the Godown where the prohibited products were available on inspection. The other accused have confessed that they are acting at the instance of the A1 and A2. However, he submitted that there is no previous case pending as against the petitioner. However, vehemently opposed this petition.

5. Considering the rival submissions on either side and also the fact that there is no previous case pending as against the petitioner and the fact that except Section 132 of BNS, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Madhavaram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of



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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 on every Saturday at 10:30 am for 8 weeks and thereafter, as and when required.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

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