



Crl.O.P.No. 19886 of 2024

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P. DHANABAL, J

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The petitioner, who apprehends arrest for the alleged offences punishable under Section 328 of IPC r/w Section 24(1) of Cigarette and Other Tobacco Product Acts, 2003 in Crime No. 303 of 2024 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of banned Gutca product vimal-130 packets, hands-20 packets, V1 tobacco-60 packets, cool lip-13 packets, swagat-20 packets totally 1.850 kgs were seized from him. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted petitioner was found in possession of banned Gutca product vimal-130 packets, hands-20 packets, V1 tobacco-60 packets, cool



lip-13 packets, swagat-20 packets totally 1.850 kgs were seized from him.

He further submitted that out of 15 previous cases, 8 cases he was released on bail and 7 cases are pending against him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the rival submissions on either side and considering the nature of offence, the quantity of the material involved in this case and fact that the petitioner was acquitted in connected cases and whereas in pending cases, the petitioner was released on bail and also considering the offences charged against the petitioner and all other aspects, I am 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 his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate, Sriperumbudur*** on condition that the petitioner shall execute a separate 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 and on further condition that:



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**[a] the petitioner shall report before the respondent
Police on everyday at 10.30 a.m. until further orders.**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 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 269 B.N.S.2023.

28.08.2024

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CrI.O.P.No. 19886 of 2021

To

1. The Judicial Magistrate, Sriperumbudur.
2. The Inspector of Police,
H-6, Orgadam Police Station,
Kancheepuram.
3. The Public Prosecutor, High Court, Madras.

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