

**Crl.O.P.No.20316 of 2024**

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P.DHANABAL, J.

The petitioner apprehends arrest for the alleged offences under Sections 6 (b) and 24 (1) of Cigarette and other Tobacco Products Acts, 2003 and 328 of the Indian Penal Code, 1980 in Crime No.357 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that basing on a secret information received, during routine checkup at Salem to Chennai High ways, a vehicle was stopped and it was found that there was illegal possession of banned tobacco products in the vehicle, where the first accused was arrested and the second accused the petitioner/Driver herein escaped. Hence, the complainant.

3. The learned counsel appearing for the petitioner submits that the petitioner had not committed any offence as alleged and the petitioner had been falsely implicated in this case. He further stated that petitioner is only the Driver of the vehicle and he has no knowledge about the



accused was released on bail and hence, he prayed to grant anticipatory bail to the petitioner .

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that about 440 kgs of banned tobacco products were found by the respondent police during a routine checkup conducted at Salem to Chennai Highways, where the first accused was arrested and based on the confession statement of the first accused, the petitioner who is the Driver of the vehicle was arrayed as second accused and banned tobacco products were seized by the respondent police and there is no previous case as against the petitioner and hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the quantity of materials seized and taking into consideration of the fact that the first accused was released on bail and also considering the fact that the petitioner was arrayed as accused only based on the confession statement given by the first accused, considering the nature of offences charged against the petitioner and that there is no previous cases as against the petitioner, this Court is inclined to grant **anticipatory bail** to



WEB COPY 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 No.V at Salem*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (each) (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:

[a] the petitioner shall report **before the respondent police on every Saturday, for four weeks.**

[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 of 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.

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[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[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]*.

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

23.08.2024

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