



Crl.O.P.No. 20625 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 123 of BNS Act r/w Section 24(1) of COTPA Act, 2003 in Crime No. 426 of 2022 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession Tobacco Products, without any valid licence or permit. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he was no way connected with the alleged offence. He further submitted that the petitioner has not been named in the First Information Report. Based on the confession statement of the co-accused, he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was found in possession



Tobacco Products, without any valid licence or permit. He further submitted that the co-accused were already released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above submissions made by the learned Counsel on either side, considering the nature of offences and no previous case is pending against the petitioner, the co-accused were already released on bail and also considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain 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-II, Ponneri*** 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 every Saturday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

[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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To

1. The Judicial Magistrate-II, Ponneri.
2. The Inspector of Police,
E.3, Minjur Police Station,
Redhills District.
3. The Public Prosecutor, High Court, Madras.



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