



Crl.O.P.No. 20810 of 2024

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P. DHANABAL, J

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The petitioners, who apprehend arrest for the alleged offences punishable under Sections 281, 125(a) and 123 of B.N.S and Section 7 of the Cigarette and other Tobacco Products Acts, 2003 in Crime No. 212 of 2024 on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that on 13.08.2024 at about 5.45 hours, the de-facto complainant and his friend were traveling in a lorry on the Dharmapuri to Salem National Highway. After Vellaikkal, near the L&T diversion, the first petitioner's vehicle, driven recklessly by its driver without paying attention to the de-facto complainant's lorry, collided with the rear of the de-facto complainant's lorry at high speed, causing the accident. When the de-facto complainant was rescuing them from his car after the accident, he found banned Paan Masala items in white bags in the accused's car. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays for grant



of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the vehicle owned by the petitioners were illegally transporting banned tobacco and Paan Masala packets worth about Rs.1,39,750/-. He further submitted that the co-accused were arrested and remanded to judicial custody on 13.08.2024. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the above submissions made by the learned Counsel on either side, no previous case is pending against the petitioners, considering the nature of offence and all other aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **Judicial Magistrate No.2 Court, Dharmapuri, Dharmapuri District** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners and the sureties shall affix his photograph and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m. until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 has been imposed and the petitioners are 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]***; and;



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CrI.O.P.No. 20810 of 2024

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

28.08.2024

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CrI.O.P.No. 20810 of 2024

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CrI.O.P.No. 20810 of 2024

28.08.2024