



Crl.O.P.No.20423 of 2024

Crl.O.P.No.20423 of 2024

WEB C **P.DHANABAL,J.**

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences under Section 20 (1) of Cigarette and other Tobacco Product Act and Section 120 of Bharatiya Nyaya Sanhita and Section 4(1)(C) of Tamil Nadu Prohibition (Amendment) Act, in Crime No.240 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused illegally transported banned tobacco products viz., 5 bags of Coll Lip (28 kgs 725 g) worth about Rs.59,280, 4 bags of Ganesh 701 tobacco (49 kg. 500 g), worth about Rs.26,400/-, 6 bags of Hans Chaap (90 kgs) worth about Rs.10,800/-, 12 bags of Vimal Pan Masala (45 kgs) worth about Rs.5,400/-, 12 bags of V One Tobacco (6 kg 552 g) worth about Rs.18,720/- and in total 219 kgs. worth about Rs.1,20,600/-, from Karnataka to Tamil Nadu by using a car bearing Regn. No.TN-07-CP-1218. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution. The petitioner is the owner of the said car and he had handed over the same under the control of one S.Manoj and S.Boopathi Raja from whom, the accused A1 and A2 hired the same and without their knowledge, used it for illegal purpose. Hence, he prayed to grant anticipatory bail to the



petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed to grant anticipatory bail to the petitioner stating that the A1 and A2 were found illegally transported banned tobacco products in car which belongs to the petitioner/A3 and that the first accused/A1 is still in custody. However, he submitted that there is no previous case against the petitioner.

5. Considering the submissions of both sides, nature of the case and the quantity of material involved in this case and the fact that the petitioner is only owner of the said vehicle and there is no previous case against the petitioner, 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-I, Hosur, Krishnagiri**, on condition that the petitioner shall execute a 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:



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

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 v. State of Kerala [(2005) AIR SCW 5560].

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

23.08.2024

ksa-2



Crl.O.P.No.20423 of 2024

To

- 1.The Judicial Magistrate-I, Hosur, Krishnagiri.
- 2.The Inspector of Police, Bagalur Police Station, Krishnagiri District
- 3.The Public Prosecutor, High Court, Madras-600 104.



WEB COPY



Crl.O.P.No.20423 of 2024

P.DHANABAL,J.

ksa-2

Crl.O.P.No.20423 of 2024

23.08.2024