



Crl.O.P.No.20689 of 2024

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P.DHANABAL, J.

The petitioner/second accused apprehends arrest for the alleged offences under Sections 275 and 123 of the B.N.S.Act and Sections 7 and 20(1) of COTPA Act in Crime No.225 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that during regular patrol, the petitioner and her husband were found in possession of 15 kgs of tobacco products in the grocery shop that belongs to the petitioner. Hence, the complaint.

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 submitted that the petitioner is a women having three children and the petitioner is ready and willing to furnish substantial sureties for her due release and abide by any condition that may be imposed by this Court and therefore, he prayed to grant



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anticipatory bail to the petitioner .

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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner and her husband who is the first accused were found in possession of 15 kgs of tobacco products in the shop owned by them and that there is no previous cases against the petitioner and also the products were seized and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioner and also considering the quantity of materials seized and further, taking into consideration of the fact that the co-accused was arrested and released on bail and that there is no previous case pending as 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/her appearance, within a period of fifteen



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(15) days from the date of receipt of a copy of this order before the

Judicial Magistrate, Denkanikottai 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, 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.

[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



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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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.08.2024

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