



Crl. O.P. No.21923 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused, who apprehends arrest in the hand of the respondent police for the offences punishable under Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 123 of B.N.S in connection with the Cr. No.348 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 31.08.2024, the respondent police, while indulging in the illegal drug trafficking check up, found the accused in illegal possession of 38.520 kgs of banned Tobacco products. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent, that he has not committed any offence as alleged by the prosecution, that he has been implicated in this case based on the confession statement of A1, that he is not present at the time of scene of occurrence and hence, he seeks for anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that the accused was found in illegal possession of 38.520 kgs of banned Tobacco products. Hence he objected to grant bail to the petitioner. The



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learned Government Advocate (Criminal side) further submitted that there is no previous case as against the petitioner and main accused was secured by the respondent police.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences charged as against the petitioner, considering the fact that no previous case is pending against the petitioner and already the main accused was secured by the respondent police, I am inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.II, Alandur** on condition that the petitioners 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 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 10.00 a.m. for a period of 4 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 them 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.

09.09.2024

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To



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- 1.The Judicial Magistrate No.II, Alandur
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Adambakkam Police Station, St. Thomas Mount, Chennai.

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