



Crl.O.P.No.22639 of 2024

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WEB CO **P.DHANABAL, J.**

The petitioners apprehend arrest for the alleged offences under Section 7, 20(ii) of COTPA Act 2003 r/w 275 & 123 BNS Act 2023 in Crime No.485 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were found in the possession of tobacco products i.e., 1.405 kgs of Hans Chaapp, 64 Kgs of Swagat, 21 Kgs of V1 Tobacco, 4.150 Kgs of Vimal Pan Masala, 57.456 Kgs of Cool Lip, total value of 6,05,760/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are an innocent person and they have not committed any such offence as alleged by the prosecution. The petitioners have been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners were found in possession of tobacco products i.e., 1.405 kgs of Hans Chaapp, 64 Kgs of Swagat, 21 Kgs of V1 Tobacco, 4.150 Kgs of Vimal Pan Masala, 57.456 Kgs of Cool Lip, total value of 6,05,760/- and he further submitted that there is no previous case pending against the petitioners. However, he opposed to grant bail to the petitioners.

5. Considering the representations made by both sides and considering the nature of offences charged against the petitioners and considering the fact that only based on the confession statement of the co-accused, the petitioners were arrayed as accused and co-accused were also secured by the police and also considering no previous case is pending against the petitioners, this Court is inclined to grant **anticipatory bail** to the petitioners with certain conditions.

6. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the



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Judicial Magistrate, Omalur, Salem 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 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 shall report **before the respondent police on everyday at 10.00 a.m, for a period of 30 days;**

[b] the petitioners 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 petitioners shall not leave India without the previous permission of the Court.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall make himself/herself available for interrogation by a police officer as and when required.



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[f] 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 have been imposed and the petitioners 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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