



Crl.O.P.No.24406 of 2024

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WEB COPY **P.DHANABAL, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(A) of Tamil Nadu Prohibition (Amendment) Act, 2024 and 24(1) of Cigarette and Other Tobacco Products Act, 2003 in Crime No.324 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.09.2024, when the respondent police was patrolling near Nayara Petrol Bunk at Edaiyarpalayam Road and intercepted the XUV 700 car which was driven by A2, the accused was found in illegal possession of 1.125 Kgs of Banned Tobacco Products and 912 numbers of Liquor Bottles. Hence this case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that on 12.09.2024 when the respondent police was



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patrolling near Nayara Petrol Bunk at Edaiyarpalayam Road and intercepted the XUV 700 car which was driven by A2 and found the accused in illegal possession of 1.125 Kgs of Banned Tobacco Products and 912 numbers of Liquor Bottles and no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, the nature of offences, no contraband was recovered from this petitioner and this petitioner was arrayed as accused only based on the confession statement of the co-accused and considering the fact that no previous case pending against the petitioner, this Court is inclined to grant anticipatory 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 Court- VII, Coimbatore* on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-



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(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:

[a] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of thirty days and thereafter as and when required for interrogation.

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

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.10.2024

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