



Crl.O.P.No.24532 of 2024

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P.DHANABAL, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 123 and 275 of Bharatiya Nyaya Sanhita, 2023 r/w Section 7(1) and 20(2) of COTPA Act, 2003 in Crime No.930 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.09.2024 the Sub Inspector of Police along with his Police personnel were on their usual Beat duty. Based on an information the said Police personnel's reached Periyaswami Departmental store situated Ganapathy Palayam Bank Stop, wherein it was found that one Bakayaraj, the owner of the above said departmental store was found in possession of pan masala and other tobacco products of 87.15 kg. Hence this case.

3. The learned counsel for the petitioner would contend that the petitioners are innocent persons and they have not committed



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any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that on 23.09.2024 the Sub Inspector of Police along with his Police personnel were on their usual Beat duty. Based on an information the said Police personnel's reached Periyaswami Departmental store situated Ganapathy Palayam Bank Stop, wherein it was found that one Bakayaraj, the owner of the above said departmental store was found in possession of pan masala and other tobacco products which are hazardous to the human health and one previous case is pending against the petitioners. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, nature of offence and the quantity involved in this case and though one previous case pending against the petitioners, in that case bail was granted, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on



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bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate, Palladam* 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:

[a] the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 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 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].

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

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