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Crl.O.P.No.25214 of 2024

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P.DHANABAL, J

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 24(1) of Cigarette and Other Tobacco Products Acts, 2003 and Section 123 of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No. 291 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.07.2024 when the respondent police was on regular patrol, they found that the petitioner along with other accused were found in possession of 8.420 kgs of banned tobacco products. Hence. the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prayed to grant anticipatory bail to the petitioner.



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4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner by stating that on 27.07.2024 when the respondent police was on regular patrol, they found that the petitioner along with other accused were found in possession of 8.420 kgs of banned tobacco products. He further submitted that petitioner was implicated based on the confession statement and co-accused were released on bail.

5.Considering the submissions of both sides, the nature of offence and the petitioner was implicated in this case only based on the confession statement of the co-accused and already co-accused were released on bail and that there is no previous case pending 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 appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate No.II, Alandur*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two



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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 daily for a period of thirty days without any deviation 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[c] the petitioner shall not leave India without the prior 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 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



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Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

14.10.2024

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