



Crl.O.P. No.25352 of 2024

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P. DHANABAL.J.,

The petitioners apprehend arrest for the alleged offences under Sections 275, 123, 62 of the Bharatiya Nyaya Sanhita, 2023 and 6(b), 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.422 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the respondent police was conducted check up, at that time, they found that the accused persons were illegally sold the banned tobacco products. Hence the case.

3. The learned counsel for the petitioners would contend that these petitioners are innocent persons and they have not indulged in any illegal activities as alleged by the prosecution and they have been falsely implicated in this case by the respondent police. There is no previous case as against these petitioners. Hence, he seek anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) would submit that the accused persons were illegally sold the banned tobacco products. There is no previous case as against these petitioners and no contraband was seized from these petitioners. However, the learned Government Advocate (Criminal Side) vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, considering the nature of offence and considering the charges levelled against these petitioners and no contraband was seized from these petitioners, there is no previous case against the petitioners and also considering other aspects, 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 anticipatory 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,



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before the learned **Judicial Magistrate at Arani** on condition that the petitioners shall execute separate 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 on every Sunday at 10.00a.m. for the period of four weeks;

[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 to the Court or to any police officer or tamper with the evidence.

[c] the petitioners shall not leave India without the prior permission of the Court.

[d] the petitioners 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



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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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

17.10.2024

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