



Crl.O.P.No.26167 of 2024

Crl.O.P.No.26167 of 2024

WEB COPY

P.DHANABAL,J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 123 of BNS and Section 24(1) of Cigarette and other Tobacco Products Acts, 2003 in Crime No.330 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police was on regular patrol, they have stopped the Volkswagen car bearing Regn.No.TN-77-Q-1263 for checking. On seeing the respondent police, the petitioner/driver of the said car, parked the same and escaped from the scene of occurrence. Thereafter, they have searched the car, they found that 20 grams of 17,250 Hans Packet worth about Rs.3,45,000/- and 20 grams of tobacco packets, worth about Rs.14,000/- Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as



Crl.O.P.No.26167 of 2024

alleged by the prosecution. He further submits that the identity of the car in the above mentioned allegation and the owner name of the same are differs . The alleged car company was mentioned as Volkswagen, but, originally, the alleged car company was Suzuki. He also submits that he is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that during vehicle search, the respondent police had seized 20 grams of 17,250 Hans Packet worth about Rs.3,45,000/- and 20 grams of tobacco packets, worth about Rs.14,000/- from the petitioner's car bearing Regn.No.TN-77-Q-1263. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) and perused the materials available on record.



Crl.O.P.No.26167 of 2024

WEB COPY

6. Considering the nature of offence, the quantity of contraband involved in this case, and there is no previous case against the petitioner and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Kariamangalam** on condition that the petitioner 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 petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.



CrI.O.P.No.26167 of 2024

WEB COPY

[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 269 B.N.S.

29.10.2024

Vv



WEB COPY



Crl.O.P.No.26167 of 2024

P.DHANABAL, J.

Vv

Crl.O.P.No.26167 of 2024

29.10.2024