



Crl.O.P.No.26578 of 2024

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P.DHANABAL,J.

The petitioner/accused who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 275, 123, 62 of Bharatiya Nyaya Sanhita 2023 and Section 6(b), 24(1) of Cigarette and other Tobacco Products Act in Crime No.479 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that the respondent policed has conducted a regular checkup, at that time, the respondent police seized 41 packets of Cool Lips worth about Rs.8,528/- and 38 packet of Hans worth about Rs.4,560/- from the accused. 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 alleged by the prosecution. He further submits that there is no previous case against him. He further submits that only based on confession statement of the arrested co-accused, he has impleaded in this case and arrayed as A2. 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.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the the respondent police had seized 41 packets of Cool Lips worth about Rs.8,528/- and 38 packet of Hans worth about Rs.4,560/- from the accused. 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.

6. Considering the nature of offence, the quantity of contraband involved in this case and also the fact that based on the confession statement of the co-accused, he has been arrayed as an accused in this case and there is no previous cases 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**



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Magistrate, Polur, Tiruvannamalai District 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 everyday at 10.30 a.m., until further orders.

[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 269 B.N.S.

25.10.2024

Vv



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