



Crl.O.P.No.27697 of 2024

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 275, 276 and 123 of BNS Act 2023 and under Section 6(a) and 24(1) of Cigarette and other Tobacco Products Acts, 2003 in Crime No.296 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is working in a petty shop and as instructed by the petty shop owner he received some packets, which was the contraband. The respondent police seized 55 packets of Hans from the petitioner. The occurrence took place on 12.10.2024. Hence this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 52 years, is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is no way connected with the alleged offence. Hence, he prayed to grant anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that no previous cases are pending against the petitioner. Hence, he opposed for granting anticipatory bail to the petitioner.

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

6. In order to curb the illegal activities of smuggling of tobacco products, this Court is of the opinion that the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten thousand only)** as a non refundable deposit to **"The Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai"** within a period of two weeks, without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.



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8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is prepared to deposit Rs.10,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to make a non refundable deposit of **Rs.10,000/- (Rupees Ten thousand only)** by way of **Demand Draft/RTGS/NEFT** to the **"The Dean/Medical Officer, Rajiv Gandhi Government General Hospital, Chennai"** within a period of two weeks, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing 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 District Munsif Court cum Judicial Magistrate, Uthukottai***, and on further conditions that:



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police everyday at 06.30 p.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(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 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]***; and;

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

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