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Crl.O.P.No.27582 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 offences punishable under Sections 275, 123 of B.N.S. and Sections 7, 20 of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.328 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner who is arrayed as A2 along with A1 and A3 had stored 452.17 kgs. of banned tobacco products worth about Rs.13 lakhs in the Godown owned by A1. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely roped in this case since, he happens to be the son of the main accused/A1. He further



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submitted that the petitioner after completing his B.E. Graduation, is pursuing B.L. Course at Sri Krishna Institute of Law, Tumakuru in Karnataka. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner is the son of A1 and he is the incharge of the Godown belongs to his father/A1. The petitioner/A2 along with A1 and A3 had stored 452.17 kgs. of banned tobacco products worth about Rs.13 lakhs in the Godown. He further submitted that A1 has been detained under Act 14. He also submitted that there is no previous case against the petitioner. However, he opposed for the grant of anticipatory bail to the petitioner.

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



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6.Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and that there is no previous case against the petitioner, 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 District Munsif/Judicial Magistrate, Parangipettai**, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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.



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**[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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