



Crl.O.P.No.27717 of 2024

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A.D.JAGADISH CHANDIRA,J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 274, 275, 123 and 24(1) of BNS, 2023 in Crime No.425 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 30.08.2024, A1 was found selling banned Tobacco products in his bunk shop and on enquiry, it was found that he had received the same from the petitioner/A2 herein. Hence, this case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case based on the confession of A1. He further submitted that without prejudice to his contentions, the petitioner is prepared to deposit an amount of Rs.15,000/- towards any charitable organization or association. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner



stating that A1 was found selling banned Tobacco products in his bunk shop and subsequently, the respondent police seized Tobacco products worth about Rs.5,000/- from him. On enquiry, it was found that the petitioner had supplied the same to A1. He further submitted that there are two previous cases against the petitioner of similar nature, out of which, in one case he has been convicted.

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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that no contraband was recovered from the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner. However, in order to curb illegal activities and taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Dean/Medical Officer, Mundiambakkam Government Medical College and Hospital, without prejudice to his rights and contentions before



the trial Court.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.15,000/- (Rupees Fifteen Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of **Dean/Medical Officer, Mundiambakkam Government Medical College and Hospital**, and on such deposit and on receipt of proof of payment, 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 **Judicial Magistrate No.1, Tindivanam**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions that:

[a] the petitioner 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



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Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.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 269 B.N.S.

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