



Crl.O.P.No.27836 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 273, 328 IPC and 7(1), 20(2) of Cigarette and Other Tobacco Products Acts, 2003 in Crime No.1437 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de facto complainant is that, on 04.11.2020 at about 23.00 hours, the petitioner along with other accused were found in possession of 3,690 kgs banned tobacco products worth Rs.22,00,000/-. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner is the owner of the godown which had been leased out to the main accused and without the knowledge of the petitioner, they have



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stored the banned tobacco products and thereby, the petitioner has been falsely implicated in this case based on the confession statement of other co-accused. He would further submit that the co-accused were arrested and released on bail and the case is of the year 2020 and the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the grant of anticipatory bail to the petitioner/A5 would submit that the petitioner who is the owner of the godown along with other accused were stored 3,690 kgs of banned tobacco products worth Rs.22,00,000/-. He would further submit that the case is still under investigation and there is no previous case against the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.1,00,000/- as



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non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. 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.

7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non refundable deposit to "The District Legal Services Authority, Tiruppur District", without prejudice to his rights and contentions before the trial Court.

8. Merely because the petitioner deposits 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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9. Taking into consideration the facts and the submissions made by the learned counsel on either side, taking note of the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.IV, Tiruppur District**, on condition that the petitioner shall execute a separate 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 Petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;



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[b] the Petitioner shall appear 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 BNS.

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