



CrI.O.P.No.28225 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 274, 275, 123 of BNS r/w. Section 24(1), 6(b) of COTPA Act in Crime No.310 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused was found in possession of banned tobacco products [Hans 40 packets (each 20 grams), Vimal Pan Masala 90 packets (2.2 grams each), VI Tobacco (0.35 grams each)] meant for sale by illegal means. The petitioner herein is the second Accused in the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and in no way he is connected with the said offences as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is ready and willing to abide by any condition that may be imposed on him.



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4.The learned Government Advocate (Crl. Side) while opposing for grant of bail to the petitioner would submit that the petitioner was found in possession of banned tobacco products worth about Rs.1,000/-. He would further submit that there is no previous case pending against this 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.5,000/- as non-refundable deposit to any welfare scheme of the Government or any 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.5,000/- as non refundable deposit to "**The District Legal Services Authority, Thiruvannamalai District**", without prejudice to his rights and contentions before the trial Court.



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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.

9. Taking into consideration the facts of the case and the submission that the petitioner has no bad antecedents, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

10. Accordingly, the petitioner is directed to make a non-refundable deposit of **Rs.5,000/- (Rupees five Thousand only)** directly to the credit of **"The District Legal Services Authority, Thiruvannamalai District"**, 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 in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Thiruvannamalai**, 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 said Magistrate, on further



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condition that:

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[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks, thereafter every Saturday at 10.30 am., 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.

12.11.2024

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Dated: 12.11.2024