



Crl.O.P.No.28060 of 2024

SUNDER MOHAN, J.

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The Petitioner/A7, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 24(1) of COTPA, 2003 and Section 123 of BNS, 2023, in Crime No.878 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondents were on patrol duty, they found that the 1st accused along with the other accused in possession of banned tobacco products hidden inside their respective vehicles and that the respondent had seized 2.5 kgs of mava from the petitioner's home. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is running a petty shop and since the contraband was already seized, his custodial interrogation is not required for the purpose of investigation. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) submitted that the

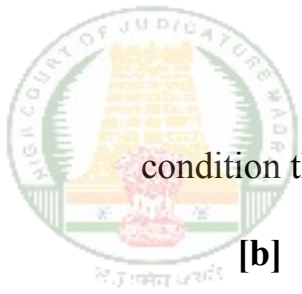


petitioner is running a petty shop and has been arrayed as A7 in the case and the contraband seized from his is worth about Rs.5,000/- and therefore, opposed for grant of anticipatory bail.

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

6.Considering, the fact that the petitioner is a first time offender; that the contraband has been recovered; and that the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

[a] 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 of receipt of a copy of this order, before the **Judicial Magistrate Thiruvottiyur**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further



condition that:

[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 BNS.

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