



Crl.O.P.No.28117 of 2024

SUNDER MOHAN, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 281 and 123 of BNS, 2023 and Section 6 r/w 20(1) of COTPA, 2003 in Crime No.375 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 31.07.2024 at about 11.00 hours, that the accused had collided with the lorry of the defacto complainant, when he was returning from Kerala and before he could get down from the lorry, the accused escaped from the place and that the car was loaded with Vimal Cotpa 4 bags weighing 66.30 kgs, V1 Cotpa one bag weighing 520 grams, SWAGATE GOLF one bag weighing 15.840 kgs in total 82.392 kgs of banned tobacco products worth about Rs.30,000/-. Hence, the case.

4.The learned counsel for the petitioner would submit that the petitioner is the owner of the car and he is innocent and that he has no previous cases. He would further submit that since the contraband had been seized; and that custodial interrogation of the petitioner is not required for



the purpose of investigation. Hence, he prayed for grant of anticipatory bail to the petitioner.

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5.Per contra, the learned Government Advocate (Crl. Side) submitted that the conduct of the petitioner and the driver in abandoning the vehicle which contained the contraband mentioned above would prove their involvement beyond doubt and opposed for grant of anticipatory bail.

6.At this juncture, the learned counsel for the petitioner submitted that the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to his defence and prayed for grant of anticipatory bail.

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

8.Considering the submission of the learned counsel for the petitioner, fact that the contraband has been seized; the nature of allegations and that custodial interrogation of the petitioner is not required for the purpose of



investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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9. Accordingly, the petitioner shall be directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non-refundable deposit through RTGS/NEFT in favour of the concerned District Legal Services Authority, on such payment 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 on which the order copy made ready, before the *learned Judicial Magistrate No.I, Hosur*, 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 condition that:

[b] the petitioner shall report before the respondent police daily 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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