



Crl.O.P.No.28665 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 Section 275 and 123 of BNS, 2023 read with Section 24(1) of Cigarette and other Tobacco Products Act, 2003 in Crime No.219 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the secret information, the respondent and his team conducted a search, during which, they found that the accused were found to be in illegal possession of 355 packets of banned tobacco products, worth about Rs.5,000/-. Hence the case.

3. Learned counsel for the Petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is ready to abide by any



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condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, would submit that the petitioner along with other accused were found to be in illegal possession of 355 packets of banned tobacco products, worth about Rs.5,000/-. He would further submit that the petitioner is the supplier and there is no previous case pending as against the petitioner.

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

6. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.2,000/- as non-refundable deposit to "District Legal Services



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Authority, Cuddalore District", without prejudice to her rights and contentions before the trial Court.

7. Merely because the petitioner deposit the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering that there is no previous case pending as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner shall make a non-refundable deposit of **Rs.2,000/- (Rupees Two Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Legal Services Authority, Cuddalore District**, 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 on which the



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order copy made ready, before the *learned Judicial Magistrate No.I, Panruti*, 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 Petitioners 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;

[b] the Petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners released on



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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 of BNS.

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