



Crl.O.P.No.28815 of 2024

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WEB C **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest in connection with Crime No.678 of 2024, registered for offences punishable under Sections 6(b), 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 123 of BNS, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that, when the respondent police on their regular routine duty, found that the accused were in possession of 3.120 Kilo grams of banned tobacco products. 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 submit that based on confession of the arrested accused, the petitioner was implicated in this case. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed the 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 accused were found in possession of 3.120 Kilo grams of banned tobacco products. He would further submit that the petitioner in this



Crl.O.P.No.28815 of 2024

case has no previous case.

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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, Thirupathur"**, 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.



Crl.O.P.No.28815 of 2024

9. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Thirupathur"**, 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 **learned Judicial Magistrate No.1, Thirupathur**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 condition that:

[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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;**



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Crl.O.P.No.28815 of 2024

A.D.JAGADISH CHANDIRA, J.

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[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 of BNS.

19.11.2024

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Crl.O.P.No.28815 of 2024