



Crl.O.P.No.30376 of 2024

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

Apprehending arrest in connection with Crime No.382 of 2024, registered for the offences punishable under Sections 123 of BNS 2023, r/w. Section 22(a) of COTPA Act, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that on 14.11.2024 at about 03.30 p.m. at Vishnupriya Avenue, situated at No.100, Sowbagya Nagar, Vishnupriya Nagar 2<sup>nd</sup> Street, Guduvanchery the accused was found to be possession of 36 Kg Hans, 11 Kg Coolip, 18 Kg of Vimal, 7.5 Kg of Swagathand. All the tobacco products were seized by the respondent police and they arrested A1. A1 confessed that the petitioner and A1 used to purchase tobacco products from some unknown person at Central Railway Station and used to sell them to public. Hence, the case.

3.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would further submit that if anticipatory bail is not granted to him, he would be put into irreparable loss and mental agony. He is ready to abide by any



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stringent condition that may may be imposed by this Court.

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4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the petitioner along with A1 were found in possession of 36 Kg Hans, 11 Kg Coolip, 18 Kg of Vimal, 7.5 Kg of Swagathand and attempted to sell the contraband products to public and the said tobacco products were seized from them. He would further submit that there is no previous case as against the petitioner.

5.Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of “The Chief Minister Relief Fund”, without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.

6.Further, having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within



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a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.2, Chengalpet**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

*[a] the petitioner 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 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*



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*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.*

**05.12.2024**

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