



Crl.O.P.No.30407 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.493 of 2024, registered for the offences punishable under Sections 123 & 275 of the BNS r/w. Section 24(1) of the COTPA Act, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution is that on vehicle inspection by the duty Officer, they had seized banned tobacco products of Cool lip 504 pouch and Hans 1575 pouch from the 1st accused and based on his confession statement, the petitioners had been arrayed as A2 and A3 in the said offence. Hence, the case.

3.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this court. He would further submit that they have nothing to do with the alleged offence. Based on the confession statement of A1 the petitioners had been wrongly implicated in this case. They are ready to abide by any stringent conditions that 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 respondent police had seized banned tobacco products of Cool lip 504 pouch and Hans 1575 pouch from the 1st accused and based on his confession statement A2 and A3 had been arrayed as accused and A2 and A3 are sellers.

5.Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and the contra band tobacco products seized from A1. A2 and A3 are the sellers, this Court is inclined to grant anticipatory bail to the petitioners. However, in order to hold contra band tobacco and taking into consideration the voluntary submission made by the petitioners offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to deposit a sum of **Rs.10,000/- each (Rupees Ten Thousand only)** to



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the credit of The Chief Minister Relief Fund, without prejudice to his rights and contentions before the trial Court.

7.It is made clear that merely because the petitioners are depositing the amount, it would not amount to the petitioners admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioners.

8.Accordingly, the petitioners shall make a non refundable deposit of **Rs.10,000/- each (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **The Chief Minister Relief Fund**, and on such deposit and on receipt of proof of payment, the petitioners 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 **Judicial Magistrate No.II, Cuddalore**, on condition that the petitioners 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] the petitioners and the sureties shall affix their



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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 daily 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 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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