



Crl.O.P.No.31382 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.346 of 2024 registered for the offences punishable under Section 123 of BNS, 2023 and Section 24(1) of Cigarette and Other Tobacco Products Act, 2003, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that, on 28.11.2024, based on the secret information, the respondent police went to the scene of occurrence and the accused, was found to be in possession of 15 packets of Hans, each weighing 20 grams. Based on his confession, it was found that the petitioner was illegally selling the same to the shops and the respondent police seized two bundles of Hans pockets from the petitioners vehicle. 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 submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government



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or any organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

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, based on secret information, the respondent police went to the scene of occurrence and found that the accused/A-1 was found to be in possession of banned tobacco products of 15 packets of Hans, each weighing 20 grams and the same was seized. He would submit that from the vehicle of the petitioner/A-2, two bundles of Hans pockets was found and the same was recovered and the vehicle was also seized. He would submit that co-accused/A-1 was arrested and released on bail and that the petitioner is having one previous case of similar nature.

5. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** as non refundable deposit to "**The District Legal Services Authority, Tiruvannamalai**" without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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6. Further, having heard the learned counsel for the petitioner, 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.

7. 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, Tiruvannamalai"**, 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 **Judicial Magistrate, Cheyyar**, 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] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and

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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 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.

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17.12.2024

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