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CrI.O.P.No.32650 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.No.32650 of 2024

Manoram

... Petitioner

Versus

The State Represented by
The Sub-Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.
(Crime No.297 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, 2023 to grant anticipatory bail to the petitioner herein in the event of their arrest or surrender in crime no.297 of 2024 on the file of the respondent police station.

For Petitioner : Mr.Jaisingh M

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI. Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6(b) and 24(1) of the Cigarette and other Tobacco Products Act, 2003 in Crime No.297 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that while the respondent police conducted a raid at the petitioner's departmental store, namely Sivasakthi Store, they found nine packs of banned tobacco products, specifically Hans Tobacco Packets. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he been falsely implicated in this case. He would further submit that the petitioner, without prejudice to the defence and contention, are ready and willing to deposit a sum of Rs.5,000/-, to any welfare scheme of the Government or any other organization. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prays for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner was found in possession of banned Hans tobacco products. He also further contended that if the petitioner is released on bail, he may abscond and continue committing the same offence. Hence, he opposed the grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record including the First Information Report.

7. Considering the arguments from both sides, the nature of the offence, and considering the fact that the petitioner without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust and also considering other relevant aspects, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.



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8. Accordingly, this Criminal Original Petition stands allowed and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned I-Judicial Magistrate Court, Tirupattur** on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), each with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall make a non-refundable deposit of **Rs. 5,000/- (Rupees Five Thousand only)** to the credit of **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No: 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the concerned Court.

(b) the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[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



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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 B.N.S.2023.

27.12.2024

skr/dpa

To

1. The State Represented by
The Sub-Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.
2. The Public Prosecutor,
High Court, Madras.
3. The learned I-Judicial Magistrate Court, Tirupattur



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L.VICTORIA GOWRI, J.

skr/dpa

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