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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.3188 of 2026

Jagan @ Marimuthu

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Kadambathur Police Station,
Tiruvallur – 631 203.
(Crime No.184 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.184 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Vidhyasagar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.12.2025 for the alleged offences punishable under Section 123 of BNS, 2023 r/w 24(1) of COTP Act, in Crime No.184 of 2025, registered on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner was found in illegal possession of 112 kgs of banned tobacco products worth about Rs.1,00,000/-.

Hence, a case has been registered and the petitioner was arrested.

3. Earlier, this Court dismissed the bail petition in CrI.OP.No.742 of 2026 dated 22.01.2026 on the following reasons:

5. Considering the fact that the quantity involved in this case is very high and there are two previous case pending against the petitioner, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

4. The learned counsel for the petitioner submitted that the petitioner is in judicial custody for more than 55 days and that the offence registered is only under Section 328 of IPC. He further submitted that no poisonous substance was detected and it is not a case of selling poisonous substance, but only a case of possession, and that the other offences alleged are also made out. Hence, he prays to grant bail to the petitioner.

5. This Court on perusal of the FIR and other connected materials, finds that the petitioner is in judicial custody since 19.12.2025. Though the petitioner has two previous cases under Mines and Minerals Act and COTP Act, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his



executing a bond for a sum of Rs.**25,000/- (Rupees Twenty Five Thousand only)** with two sureties each, for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Tiruvallur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the concerned Magistrate daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness 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

WEB COPY registered under Section 269 B.N.S.

10.02.2026

drl

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate No.II,
Tiruvallur.

2.The Inspector of Police,
Kadambathur Police Station,
Tiruvallur – 631 203.

3.The Superintendent,
Central Prison-II, Puzhal.

4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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