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Crl.OP.No.3566 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2026

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.3566 of 2026

Muthukumar

... Petitioner

Vs.

State rep by
The Inspector of Police,
Palladam Police Station,
Tiruppur.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Cr.No.1166 of 2025 on the file of the Inspector of Police, Palladam Police Station, Tiruppur.

For Petitioner : Mr.P.Thinesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.11.2025, for the alleged offence punishable under Section 275 and 123 of BNS 2023 and 7(1) and 20(2) of the Cigarette and Other Tobacco Product

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Act, 2023 in Cr.No.1166 of 2025 on the file of the respondent police, seeks bail.

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2. The allegation against the petitioner is that the petitioner joining hands with other accused was found in illegal possession of 104 kgs of banned tobacco products, which led to the registration of the case and the petitioner was arrested. Hence, the present petition has been filed seeking bail.

3. Though this Court earlier dismissed the petitioner's bail petition twice on 19.12.2025 and 09.01.2026 in Crl.OP.Nos.34954 of 2025 and 627 of 2026 respectively on the following reasons:

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“ 6. Considering the facts and circumstances of the case and also taking note of the submission made by the learned Government Advocate (Crl.Side); nature of allegation, investigation is still progressing; period of incarceration and also also the fact that the petitioner is involved in five previous cases this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed”.

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“ 3. Considering that there is no change of circumstances and I am not inclined to reconsider the earlier order. Accordingly, this Criminal Original Petition is dismissed.

4. Considering the nature of allegations and the petitioner is in incarceration from 17.11.2025 and also taking note of the fact that so far the respondent police has not filed the final report, I am inclined to grant bail to the petitioner, subject to certain conditions.

5. 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**, for a like sum to the satisfaction of the learned **Judicial Magistrate-, Palladam** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of



three weeks and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Vv



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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, Palladam.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

Vv

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