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CRL OP No. 5808 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5808 of 2026

Bharathi S/o.Mohan,
No. 1/171, 3rd Street,
Murugan Nagar,
Villankurichi,
Saravanampatti,
Coimbatore.

..Petitioner(s)

Vs

The State Rep. By:

The Inspector of Police
Sooramangalam Police Station,
Salem.
Crime No. 30/2026.

..Respondent(s)

PRAYER: This Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail in Crime No. 30/2026 on the file of the respondent police and thus render justice.

For Petitioner(s): Mr. L.Ramanathan

For Respondent(s): Mr. S. Vinoth Kumar,
Government Advocate (Criminal side).

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.01.2026 for the alleged offences under Sections 123 of B.N.S. and Section 24(1) of COTPA in Crime No.30 of 2026 on the file of the respondent police,



seeks bail.

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2. The *case of the prosecution* is that on secret information, when a search was made by the police personnel near Mamangam Keel Board Service Road in Omalur-Salem National Highway, the accused persons were found to be travelling with illegal possession of 125 kgs of banned Tobacco products, Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, that he has not committed any offence as alleged by the prosecution and that he has been implicated in this case only based on the confession statement of the co-accused. He would further submit that there is no previous case pending against the petitioner and hence prays to enlarge the petitioner on bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent police reiterated the prosecution case and though the learned Government Advocate objected to enlarge the petitioner on bail, he fairly submitted that there are no previous cases pending against the petitioner.

5. From the submissions made by the learned Government Advocate (Criminal side), it appears that the petitioner has been incarcerated from 19.01.2026 and there is no previous case pending against the petitioner.



6. While looking at the factual position, taking into consideration the period of incarceration of the petitioner from 19.01.2026 and the petitioner has no previous cases against him, this Court is of the view that no further custodial interrogation is required and hence, this Court is inclined to grant bail to the petitioner, subject to the following stringent conditions:

7. 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, Salem** 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 2 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;

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[e] 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]:

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

06-03-2026

MJS

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, Salem.
2. The Inspector of Police, Sooramangalam Police Station, Salem.
3. The Superintendent of Police, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

MJS

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