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CRL OP No. 5325 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5325 of 2026

John S/o.Sathiyathan,
Kolenthiram,
Azhanjiyenthal Post,
Manal Melkodi Taluk,
Pudukkottai District.

..Petitioner(s)

Vs

The State Rep By The Inspector of Police
B6-Vadavalli Police Station,
Coimbatore District.
Crime No.74 of 2026

..Respondent(s)

For Petitioner(s): M.N.Balakrishnan

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

ORDER

This petition has been listed under the caption 'for being mentioned' at the instance of the learned counsel appearing for the petitioner.

2. When the case is taken up for hearing, the learned counsel appearing for the petitioner submitted that the name of the petitioner has been wrongly spelled in the order passed in the above Crl. O.P. No.5325 of 2026 dated 03.03.2026 as 'Johan' instead of 'John' and requested that the said error may be corrected.



3. This Court, while perusing the uploaded copy of the said order, it is found that the name of the petitioner has been correctly spelled as 'John'. Therefore, 'no further order' is required.

MJS

05-03-2026



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C.KUMARAPPAN, J.

MJS

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.5325 of 2026

John

... Petitioner

Vs.

State rep. by
The Inspector of Police,
B6-Vadavalli Police Station,
Coimbatore District.
Crime No.74 of 2026

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned in Crime No.74 of 2026 pending investigation on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.M.N.Balakrishnan
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on **13.02.2026** for the alleged offence **under Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 123 of B.N.S., 2023** in **Crime No.74 of 2026** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.02.2026, while the Respondent Police were on patrol duty, they visited the shop of the petitioner



and found him in illegal possession of 3 kilograms and 937 grams of banned tobacco products. Hence, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He further submitted that there are no previous cases pending against the petitioner and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the petitioner was found in possession of 3 kilograms and 937 grams of banned tobacco products and was selling the same to the general public. Hence, he strongly opposed the grant of bail to the petitioner.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. From the submissions made by the learned Government Advocate (Criminal Side), it is seen that the value of the tobacco products seized from the Petitioner is Rs.3,000/-. It is further submitted that the Petitioner was remanded to judicial custody on 13.02.2026 and has been in incarceration since then. It is



also stated that there are no co-accused involved in this case and that no previous cases are pending against the Petitioner. Taking note of the submissions made by the learned Government Advocate (Criminal Side); and though this Court views the transportation and smuggling of banned tobacco products seriously, taking into account the fact that this is the first case against the petitioner and on the fond hope that the petitioner would mend himself and not indulge in such activities in future, this Court is inclined to grant bail to the petitioner, subject to certain 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 **Judicial Magistrate Court-IV, Coimbatore**, 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., and 5.30 p.m. for the period of one month and daily at 10.30 a.m. for a period of another two weeks and thereafter, as and when required for interrogation;

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



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[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[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.

03.03.2026

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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 Court-IV, Coimbatore.
- 2.The Inspector of Police,
B6-Vadavalli Police Station,
Coimbatore District.
- 3.The Superintendent, Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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03.03.2026