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CRL OP No. 5658 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. 5658 of 2026**

Immanuvel Thiruthuvaraj

..Petitioner(s)

Vs

State Rep.by,  
The Inspector of Police,  
Mahalingapuram Police Station,  
Pollachi,  
Coimbatore District.  
Cr.No.58 of 2026.

..Respondent(s)

**Prayer:** Criminal Original Petition is filed under Section 483 of BNSS, pleaded to enlarge the petitioner herein on bail in respect of Cr.No.58 of 2026 on the file of the Inspector of Police, Mahalingapuram Police Station, Pollachi.

|                    |                                                          |
|--------------------|----------------------------------------------------------|
| For Petitioner(s): | Mr.S.Prabhu                                              |
| For Respondent(s): | Mr.S.Vinoth Kumar<br>Government Advocate (Criminal side) |

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 13.02.2026 for the alleged offences under Section 123, 62 of BNS 2023, and Section 328 & 511 of I.P.C. and 24 (1) of Cigarette and other Tobacco Products Acts, 2003, in Crime No.58 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner was found to be in possession of banned tobacco products. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is a leprosy patient and that he has been behind the bar since 13.02.2026 and the so called previous cases are already been disposed of by paying fine and therefore, the previous cases cannot be construed as circumstances to deny the bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent though strongly object the contention of the petitioner, however would fairly submit that the custodial interrogation of the petitioner is not required at this length of time, as investigation has been completed.

5. In view of the above submissions, and also upon the ground that the petitioner being leprosy patient, this Court wants to show some leniency to the petitioner. Hence, this Court is inclined to enlarge the petitioner on bail on certain conditions.

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) each, with two sureties each for a like sum to the satisfaction of the



learned **Judicial Magistrate No.II, Pollachi**, and subject to the following conditions:

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[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 morning at 10.30 AM and evening at 5.30 PM for a period two 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 aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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**C.KUMARAPPAN, J.**

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To

1.The Judicial Magistrate No.II, Pollachi.

2.Sub Jail, Pollachi.

3.The Inspector of Police,  
Mahalingapuram Police Station,  
Pollachi,  
Coimbatore District.

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