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CRL OP No. 7548 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7548 of 2026

Nagaraj S/o.Arumugam,
No.1, Sivan Koil Theru,
Thiruthuraipoondi Taluk,
Thiruvarur District.

..Petitioner(s)

Vs

The State represented by:

The Inspector of Police
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.98/2026)

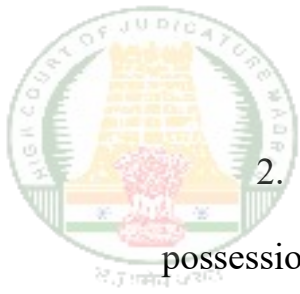
..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail in connection with Crime No.98 of 2026 pending Investigation on the file of Inspector of of Police, Thiruthuraipoondi Police Station, Thiruvarur District.

For Petitioner(s):	M/S. N.Palanivel
For Respondent(s):	Mr. S. Vinoth Kumar, Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.02.2026 for the alleged offences under Section 7(1) of Cigarette and Other Tobacco Prohibition Act 2003 and Section 123 of B.N.S. in Crime No.98 of 2026 on the file of the respondent police, seeks bail.



2. The *case of the prosecution* is the petitioner was found in illegal possession of 25 packets of banned Tobacco products namely Hans of banned Tobacco products for his personal gain. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been under incarceration since 28.02.2026. He would further submit that the petitioner has been falsely implicated in this case and he is ready and willing to abide by any condition that may be imposed by this Court and hence prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police reiterated the prosecution case and objected the bail application. However, he would fairly submit that property has been recovered and there is no previous case pending against this petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. From the submissions made on either side, it is clear that this case has been arisen out of offence registered under COTPA and this petitioner has no previous cases pending against him. The petitioner is under judicial custody since 28.02.2026 and the property has also been recovered. It is also seen that



the recovered property is also not of huge quantity. Therefore, taking into consideration the totality of circumstances, the long incarceration of the petitioner since 28.02.2026 and upon the previous good conduct of the petitioner, this Court is inclined to enlarge the petitioner on bail, 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, Thiruthuraipoondi** 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 sign before the respondent police daily twice at 10.30 a.m. and 5.30 p.m. for a period of 15 days and thereafter, as and when required by the investigation officer, 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 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.

25-03-2026
[1/2]

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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, Thiruthuraipoondi.
2. The Inspector of Police, Thiruthuraipoondi Police Station, Thiruvarur District.
3. The District Prison, Nagapattinam District.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

MJS

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