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CRL OP No. 8993 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No.8993 of 2026

Mahalakshmi
W/o.Manikandan,
No.5(1), South Street,
Manalurpet Post,
Villupuram District.

..Petitioner/Accused
(A2)

Vs

The Inspector of Police,
Manalurpet Police Station,
Kallakurichi District.
(Crime No.37 of 2026).

...Respondent/
Complainant

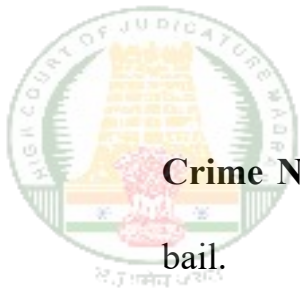
Prayer: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of her arrest in connection in Crime No. 37 of 2026 on the file of respondent police.

For Petitioner: M/S.T.Balachandran

For Respondent: Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner/A2, who apprehends arrest for the alleged offences **under Section 123 of the BNS Act 2023, r/w Section 24(1) of the COTPA Act**, in



Crime No.37 of 2026, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products, namely Hans (8 pockets) and Cool Lip (2 pockets). Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and she has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and she is ready to cooperate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, submitted that the petitioner was found in illegal possession of banned tobacco products, viz., Hans, 8 pockets, and Cool Lip, 2 pockets, which were worth about Rs.200/- (Rupees Two Hundred Only); and that no previous cases have been registered against the petitioner. However, he strongly opposed to grant anticipatory bail to the petitioner.



5. Heard the submission made by the learned counsel on either side and perused the materials available on record.

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6. The learned Government Advocate (Crl.Side) would submit that the petitioner was found in illegal possession of banned tobacco products, viz., Hans, 8 pockets, and Cool Lip, 2 pockets, and the value is only Rs.200/- (Rupees Two Hundred Only); and that the petitioner has no previous cases. Though this Court views the tobacco product offences serious in nature, since the quantity is very small and there is no previous case against the petitioner, who is a woman, this Court is inclined to enlarge her on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Tirukovilur, Kallakurichi District**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of



receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police, twice a day at 10.30 a.m., and 5.30 p.m., for a period of two (2) weeks and thereafter, as and when required for the interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

dk

09-04-2026



To

1. The Judicial Magistrate,
Tirukovilur,
Kallakurichi District.
2. The Inspector of Police
Manalurpet Police Station,
Kallakurichi District.
3. The Public Prosecutor
High Court of Madras.

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C.KUMARAPPAN, J.

dk

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