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CRL OP No. 9773 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9773 of 2026

Nilesh Kumar

..Petitioner

Vs

The State Represented by its
Inspector of Police,
Ukkadam Police Station,
Coimbatore District.
(Crime No.64/2026)

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the Crime No.64 of 2026 on the file of the respondent.

For Petitioner:

Mr.Balaji Thirumoorthy

For Respondent:

Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.03.2026 for the alleged offences under Sections 123 of the Bharatiya Nyaya Sanhita, 2023 and Section 7(1) and 20(1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 and Section 328 of Indian Penal Code, 1860 in Crime No.64 of 2026 on the file of the respondent police, seeks bail.

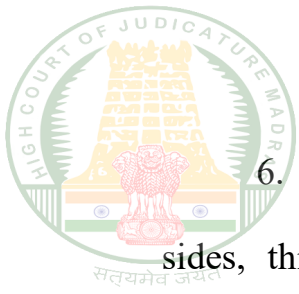


2. The case of the prosecution is that the accused were found in possession of 32.760 kgs of banned tobacco products. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case without any basis. It is submitted that the petitioner has been in judicial custody since 19.03.2026 and that the petitioner is ready to cooperate with the investigation and he will appear before the respondent police as and when required. The learned counsel would further contend that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was found in possession of banned tobacco products and that there is no previous cases pending against the petitioner. However, he opposed to grant bail to the petitioner.

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



6. Considering the submissions made by the learned counsel on both sides, this Court is of the view that though the petitioner was found in possession of banned tobacco products, there are no previous cases pending against him. Further, taking into account that the petitioner has been in judicial custody since 19.03.2026, this Court is inclined to grant bail, 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 for a like sum each to the satisfaction of the learned Judicial Magistrate -V, Coimbatore, and subject to the following conditions:

[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 at 10.30 a.m. for a period of 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



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action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners 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.

20-04-2026

NSL

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 learned Judicial Magistrate-V, Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police, Ukkadam Police Station, Coimbatore District.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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