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CRL OP No. 12356 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12356 of 2026

1. Rajesh
2. Balakrishnan

..Petitioner(s)

Vs

The State rep by, Inspector of Police,
Avinankudi Police Station
Cuddalore District.
Crime No. 54 of 2026

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to enlarge the petitioners on bail in event of their arrest in Crime No. 54 of 2026 on the file of the respondent Police and thus render Justice.

For Petitioner(s): Mr.K.Kannan

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 288, 275, and 123 of the BNS, read with Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA), in connection with Cr. No. 54 of 2026, seek anticipatory bail.



2.The case of the prosecution is that on 06.05.2026, while the de facto complainant was on patrol duty in Kodikkulam village, secret information was received that government-banned tobacco substances were being stored and sold at a bunk shop named Rajesh. Upon checking the spot, three persons fled from the scene. The police searched the premises and recovered banned tobacco products, including Hans, Vimal pan masala, Cool Lip, and V-1 tobacco packets. Hence, the case.

3.The learned counsel for the petitioners would contend that the petitioners have been falsely implicated in this case and they have no connection with the alleged bunk shop. He submits that the petitioners were not present at the spot, had no knowledge of the alleged storage, and did not sell any banned tobacco products. He further submits that the prime accused in this case has already been arrested, this is the first anticipatory bail application before this Court, and there are no previous cases pending against the petitioners. Since the petitioners have permanent residence and are ready to cooperate with the investigation, he prays for the grant of anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that banned tobacco substances were recovered from the spot and the investigation is underway. However, he confirms that the



prime accused has already been arrested and that there are no adverse antecedents or previous cases reported against these petitioners.

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5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, the nature of the offences, and taking note of the fact that the prime accused has already been arrested, the contraband has been recovered, and there is no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tittakudi, on condition that each petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police every Saturday at 10.00 a.m. for a period of four weeks, and thereafter as and when required for investigation.

[b] the petitioners shall not, directly or indirectly, make any inducement,



threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.

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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S. 2023.

13-05-2026

SHA/MKA

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,
Tittakudi

2.Inspector of Police,
Avinankudi Police Station
Cuddalore District.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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P.DHANABAL, J.

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