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CRL OP No. 13263 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-05-2026

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13263 of 2026

Mahalakshmi
W/o. Nagaraj No. 59-c, New Bus Stand,
Anna Nagar Kulathumedu
Muthumandapam Vellore Taluk Vellore
District Tamil Nadu.

Petitioner/Sole Accused

Vs

State rep. By
The Inspector of Police, Vellore North
L and O Police Station, Vellore.
Crime No. 142 of 2026

Respondent/Complainant

PRAYER

Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the Petitioner/Sole Accused in Crime No. 142 of 2026 on the file of the Respondent police.

For Petitioner(s): M.S.Sriraam

For Respondent(s): Mr.L.Baskaran, Govt. Advocate
(Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 18.05.2026 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 07.05.2026 for the alleged offences punishable under Section 6(a) and 24(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 123 of BNS, 2023, in Crime No.142 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that on 04.05.2026, at about 05.00 p.m., near old bus stand, Vellore, when the police party was on patrol duty, the petitioner, upon seeing the police, tried to escape and when she was apprehended by the police, the police found that the petitioner was in possession of banned tobacco product totalling 5.76 Kgs. Based on this, the present FIR has been registered.

4. Mr.M.S.Sriram, learned counsel for the petitioner, submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submits that the alleged occurrence took place on 04.05.2026, whereas the petitioner was arrested and remanded to judicial custody only on 07.05.2026. He further submits that the petitioner was not in possession of the alleged tobacco products and she has been falsely implicated in the present case. He further submits that the petitioner is ready to abide by



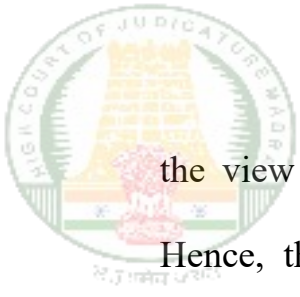
any stringent conditions that may be imposed by this Court. Therefore, he prays to grant bail to the petitioner.

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5. *Per contra*, Mr.L.Baskaran, the learned Government Advocate (Criminal Side) appearing for the respondent-police submits that the petitioner upon seeing the police, tried to escape and when she was apprehended by the police, the police found the petitioner in possession of banned tobacco products totalling 5.76 Kgs and that she is a habitual offender of the offences of similar nature and having four previous cases of similar nature and in this case, investigation is pending. Further, the learned Government Advocate (Crl.Side) raised a strong objection to grant bail to the petitioner. Accordingly, he prays to dismiss the petition.

6. Heard on both sides. This Court has perused all the materials available on record.

7. The petitioner was arrested on 07.05.2026. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the nature of the offences alleged against the petitioner and taking note of the fact that the petitioner is a lady, this Court is of



the view that further custody of the petitioner is not necessary in this case.

Hence, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the Judicial Magistrate-IV, Vellore.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate-IV, Vellore. shall obtain a copy of any one of their identity proof to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioner shall furnish her residential address and mobile numbers to the learned Judicial Magistrate-IV, Vellore.

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(vi) The petitioner shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected.



(vii) The petitioner 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(viii) The petitioner shall also not directly or indirectly, cause any threat to the defacto complainant, victims, and witnesses.

(ix) The petitioner shall not try to contact the defacto complainant, victims, and witnesses either directly or through any electronic mode.

(x) On breach of any of the aforementioned conditions, the Judicial Magistrate-IV, Vellore or Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

20-05-2026

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

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R.SAKTHIVEL J.

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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-IV, Vellore.

2.The Superintendent of Prison, Central Prison, Vellore.

3.The Inspector of Police, Vellore North L and O Police Station, Vellore. Crime No. 142 of 2026Vellore

4.The Public Prosecutor Office, High Court, Madras.

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