



CRL OP No.13700 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05. 2026

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP NO.13700 OF 2026

Dhashayani

... Petitioner / Accused

Vs.

State Rep. By
The Inspector of Police,
D-5 Marina Police Station,
Chennai
(Crime No.145 of 2026)

... Respondent / Complainant

PRAYER:- Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner on bail in pending investigation in crime No.145 of 2026 on the file of the respondent police.

For Petitioner : Mr.P.Praveen Kumar

For Respondent : Mr.R.Ganesh Kumar,
Counsel for Government of
Tamil Nadu(Criminal Side),
High Court of Madras



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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/Accused was arrested and remanded to judicial custody on 01.05.2026 for the alleged offences punishable under Section 123 of BNS, 2023 and 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, in Crime No.145 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that on on 20.02.2026, the De-facto complainant namely Jayakumar, who is the Sub-Inspector of police attached to the respondent, has filed a special report stating that on 20.02.2026, the de-facto complainant conducted a checkup in an area, where the de-facto complainant along with his police personal stopped a bike and conducted search. In that bike, the petitioner had one white gunny bag and in that bag, the petitioner was found in possession of illegal banned tobacco products i.e. 15 packets of Hans. Thereafter, the



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present complaint was lodged and the same has been registered.

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4. Mr.P.Praveen Kumar, the 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 He however submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.R.Ganesh Kumar, the learned Counsel for Government of Tamilnadu (Criminal Side) appearing for the respondent-police submits that the preliminary investigation is yet to be completed. Therefore, he made 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 the materials available on record.

7. The petitioner was arrested on 01.05.2026. 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



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facts and circumstances of the case, the offence alleged against the petitioner, 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.10,000/- (Rupees Ten 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 II Metropolitan Magistrate, Egmore, Chennai.

(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 II Metropolitan Magistrate, Egmore, Chennai shall obtain a copy of any one of their identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 09.00 a.m. until further orders.

(iv) The petitioner shall furnish her residential address and mobile numbers to the learned II Metropolitan Magistrate, Egmore, Chennai



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WEB COPY (v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNSS, 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 them 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 and witnesses.

(ix) The petitioner shall not enter into the defacto complainant's house or his work place.

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



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WEB COPY (xi) On breach of any of the aforementioned conditions, the II Metropolitan Magistrate, Egmore, Chennai 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*.

22.05.2026

lok/dm

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 official website of this Court will be watermarked and will also have a QR code.



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To

- 1.The II Metropolitan Magistrate, Egmore, Chennai
- 2.The Superintendent of Police.
Central Prison, Puzhal for women,
Chennai
- 3.The Inspector of Police,
D-5 Marina Police Station,
Chennai
- 4.The Public Prosecutor,
Madras High Court
Madras.



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R.SAKTHIVEL, J.

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