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CRL OP No. 13371 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13371 of 2026

J. Indhuraja
252, Pillaiyar Kovil Street,
Chennasamudram,
Tiruvannamalai District-606 701.

...Petitioner/Accused No.2

Vs

State rep by,
The Inspector of Police
Kalasapakkam Police Station,
Thiruvannamalai District.
Tiruvannamalai.
(Crime No.41 of 2026)

...Respondent/Complainant

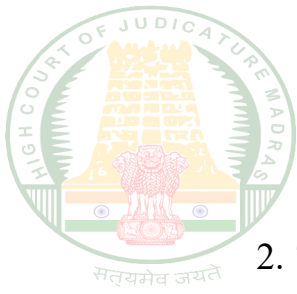
Prayer : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.41 of 2026 on the file of the respondent-police.

For Petitioner : Mr.S.B Viswanathan

For Respondent: Mr.S.Yogaraja Sekar
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed by the petitioner on 19.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 275 and 123 of Bharatiya Nyaya Sanhita (BNS), 2023 (273 and 328 of IPC respectively) and 24(1) of the Cigarettes and Other Tobacco Products Act (COTPA), 2003, in Crime No.41 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that when the police were on patrolling, based on the secret tip, they found that the petitioner was in illegal possession of banned tobacco products such as 1.Cool lip, 2. Hans, 3.Vimal, 4.V1 betel nut. Hence, the case.

4. Mr.S.B.Viswanathan, the learned counsel for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.Yogaraja Sekar, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner was found in illegal possession of banned tobacco products which are worth



about Rs.35,376/-. He further submits that there are five previous cases against the petitioner. Accordingly, he prays to dismiss this Criminal Original Petition.

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6. Heard on both sides. This Court has perused the records.

7. Though the petitioner had five previous cases, only with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned District Munsif-cum-Judicial Magistrate, Kalasapakkam, Tiruvannamalai District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Kalasapakkam, Tiruvannamalai District.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Director / Authorised Officer,



Government Arignar Anna Memorial Cancer Hospital, Karaipettai, Kancheepuram, without prejudice to his rights and contentions before the Trial

Court. Only upon deposit, the learned Magistrate shall accept the sureties.

(iv) The petitioner shall appear and sign before the respondent-police weekly twice ie., on every Monday and Friday at 10.00 a.m. until further orders.

(v) The petitioner shall make himself available for interrogation by a police officer as and when required.

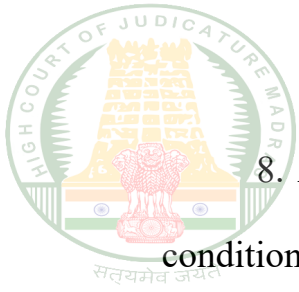
(vi) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

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

(viii) The petitioner shall not leave India without the previous permission of the Court.

(ix) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, 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*.

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

To

1. The District Munsif–cum–Judicial Magistrate,
Kalasapakkam, Thiruvannamalai District.
2. The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras.



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R.SAKTHIVEL, J.

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