



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No.13376 of 2026

WEB COPY

1. Karthikeyan
S/o. Selvam,
No.5/228, Panaikulam,
Dharmapuri – 636 809.
2. Divya
D/o.Murugan
No.191, Nallappanayakanaalli,
A Papparapatti,
Papparapatti,
Dharmapuri - 636 809.

...Petitioners/Accused

Vs

State Rep. by,
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.170 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 petitioners in Crime No.170 of 2026 on the file of the respondent police.

For Petitioners : Mr.V. Sakkarapani

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



ORDER

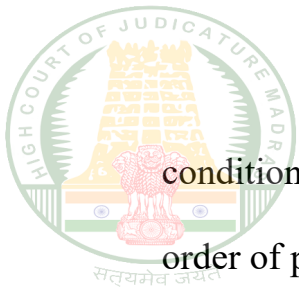
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This Criminal Original Petition has been filed by the petitioners on 19.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Section 123 of Bharatiya Nyaya Sanhita (BNS) Act, 2023 r/w Section 7 of the Prohibition of the Electronics Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019, in Crime No.170 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that on 09.05.2026, when the police were on patrolling, based on the secret tip, they found that the petitioners were in illegal possession of banned tobacco products such as 1.Hans, 2.Vimal, 3.V1 Tobacco Sack. Hence, the case.

4. Mr.V.Sakkarapani, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. He however submits that the petitioners are 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 petitioners.

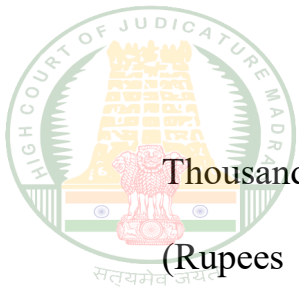
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5. *Per contra*, Mr.S.Yogaraja Sekar, the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the respondent-police, submits that the petitioners were found in illegal possession of banned tobacco products which are worth about Rs.1,08,000/-. He further submits that there are no previous cases against the petitioners. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also taking note of the fact that there are no previous cases against the petitioners and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Palacode, 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) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Palacode.

(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 petitioners shall appear and sign before the respondent-police weekly twice i.e., on every Monday, and Friday at 10.00 a.m. until further orders.

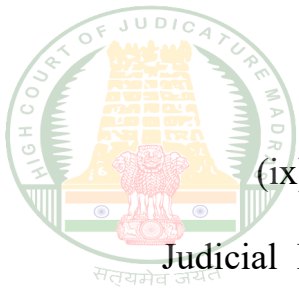
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) 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.

(vi) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant, his family members and witnesses and shall not tamper the evidence.

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.



(ix) 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 petitioners 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

dk/srm

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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R.SAKTHIVEL, J.

dk/srm

To

1. The Judicial Magistrate,
Palacode.
2. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court of Madras.

CRL OP No. 13376 of 2026

22-05-2026