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CRL.OP.No.13650 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.13650 of 2026

Kalu Singh
S/o.Chen Singh

... Petitioner
/ Accused No.3

Vs.

The State rep.by
The Station House Officer
Elavanasoorkottai Police Station,
Kallakurichi District.
(Crime No.326 of 2024)

... Respondent /
Complainant

PRAYER :- The 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.326 of 2024 on the file of the respondent-police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Amarnath
Counsel for Government of
Tamil Nadu (Criminal Side)



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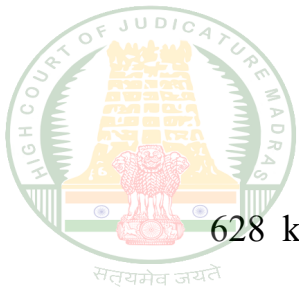
ORDER

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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.

2. The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Sections 123 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 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.326 of 2024 on the file of the respondent-police. This petitioner has already filed CrI.O.P.No.6997 of 2026 under Section 482 of BNSS seeking anticipatory bail in Crime No.326 of 2024 and the same was dismissed by this Court vide order dated 18.03.2026.

3. The case of the prosecution is that the respondent police upon receiving the secret information from his informer, engaged in inspection nearby Gandhi Park, Chozha Hotel, Coimbatore, wherein the accused persons caught red handed with the banned Tobacco products weighing



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628 kgs and seized by the respondent police and the accused persons were arrested to judicial custody. Based on the confession of A1 & A2, the petitioner's name was implicated in this case.

4. Mr.W.Camyles Gandhi, the learned counsel for the petitioner, submits that the alleged occurrence took place in December 2024 and the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.A.Amarnath, Counsel for Government of Tamil Nadu (Criminal Side), the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused person was found in possession 628 Kgs of banned tobacco products and products along with vehicle have been seized from A1 & A2. He further submits that there is one previous case against the petitioner and he is hailing from Bangalore and supplying the products and that custodial interrogation of the petitioner is necessary and if pre-arrest bail is granted to the petitioner, he will abscond and tamper with the evidence. He



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therefore prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the occurrence took place in the month of December 2024 and till date the respondent police has not secured the petitioner hence custodial interrogation of the petitioner is not necessary and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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 Judicial Magistrate No.I, Ulundurpet, 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.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 learned Judicial Magistrate No.I, Ulundurpet.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46



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annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial

Magistrate No.I, Ulundurpet 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) (NM.Refundable deposit) 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 daily 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 him from disclosing such facts to the Court or to any police officer.



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(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 No.I, Ulundurpet 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 him 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 Judicial Magistrate No.I,
Ulundurpet,
- 2.Do Through the Chief Judicial Magistrate,
Ulundurpet.
- 3.The Station House Officer
Elavanasoorkottai Police Station,
Kallakurichi District.
4. The Director / Authorised Officer,
Government Arignar Anna Memorial
Cancer Hospital,
Karaipettai, Kancheepuram,
- 5.The Public Prosecutor,
High Court of Madras.



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R.SAKTHIVEL. J.

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