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Crl.O.P.No.14852 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.14852 of 2026

Mahesh Kumar Gupta

... Petitioner(s)

Vs.

The State rep. by
The Inspector of Police,
B-2, Esplanade Police Station,
Chennai District.
Crime No.84 of 2026

... Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail concerned in Crime No.84 of 2026 pending on the file of the respondent police.

For Petitioner(s) : Mr.K.A.M.Jagadish Kumar

For Respondent(s) : Mr.S.Yogaraja Sekar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2026 for the alleged offences under Sections 132 and 123 of the Bharatiya Nyaya Sanhita, 2023 and Sections 24(1) and 6(b) of the COTPA Act, in Crime No.84 of 2026 on the file of the respondent police, seeks bail.



2. It is the case of the prosecution that the petitioner was found in possession of 12.740 kilograms of banned tobacco products. Hence, the case.

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3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. He would further submit that the petitioner has been in custody since 26.05.2026 and is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for the grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the petitioner has seven previous cases to his credit.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is suffering from multiple ailments and is also undergoing treatment for bipolar disorder and schizophrenia. In this regard, the learned counsel had produced medical records at the earlier hearing and this Court, by order dated 12.06.2026, passed the following docket order:



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“Post the matter on 17.06.2026.

2. The learned Government Advocate is directed to find out the medical condition of the petitioner/ accused as the learned counsel for the petitioner would submit that the petitioner is suffering from ‘schezophernia’.

Pursuant thereto, the learned Government Advocate (Crl. Side), on instructions, fairly submitted that the petitioner is presently undergoing treatment in prison and is being administered medicines for depression, bipolar disorder and schizophrenia.

6. Therefore, in view of the fair submission made by the learned Government Advocate (Crl. Side) that the petitioner is receiving treatment in prison, and notwithstanding the fact that the petitioner has seven previous cases to his credit, considering the period of incarceration undergone by the petitioner and his present medical condition, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned VII Metropolitan Magistrate, Chennai, and subject to the following conditions:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

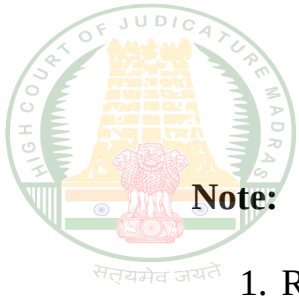
[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

17.06.2026

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Note:

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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 learned VII Metropolitan Magistrate, Chennai,
2. The Superintendent, Central Prison, Puzhal - II
3. The Inspector of Police, B-2, Esplanade Police Station, Chennai District.
4. The Public Prosecutor, High Court of Madras



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C.KUMARAPPAN,J.

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