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CRL OP No. 15085 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2026

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THE HON'BLE MR. JUSTICE C.KUMARAPPAN

CRL OP No. 15085 of 2026

Nagarajan

..Petitioner(s)

Vs

The State Rep By,
The Inspector of Police
Karimangalam P.S.,
Dharmapuri.
Cr.No.432/2024

..Respondent(s)

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.432 of 2024 and pass such further or other orders as this Court may deem fit and necessary under the circumstances of the case and thus render justice.

For Petitioner(s): Mr.Rahul A

For Respondent(s): Mr.N.Palanivel
Government Advocate
(Criminal Side)

ORDER

The petitioner, apprehending arrest for the alleged offences under Section 123 of the Bharatiya Nyaya Sanhita (BNS), 2023, read with 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 (COTPA Act), in Crime No.432 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that during a routine vehicle inspection, the respondent police intercepted a vehicle and found the accused persons in possession of a huge quantity of banned tobacco products, weighing more than 350 kilograms. The petitioner is identified as the owner of the vehicle used for transporting the contraband. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations and has been falsely implicated. He contends that the petitioner is merely the registered owner of the vehicle and had entered into an oral lease agreement with the co-accused, Sundarajan, for a period of six months on a monthly rental basis. He further submits that the petitioner undertakes to fully cooperate with the investigation and, to prove his bona fides, voluntarily offers to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the investigation, without prejudice to his defence. Hence, he prays for the grant of anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposes the grant of anticipatory bail, stating the huge



quantity of banned tobacco products seized. However, he does not dispute the fact that the petitioner is only the owner of the vehicle and that the prime allegations of possession are directed against the co-accused, Sundarajan.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the facts and circumstances of the case, the specific role attributed to the petitioner as the vehicle owner, and the absence of any direct recovery from his physical possession, this Court takes note of the defense raised regarding the oral lease agreement. Taking into further consideration the petitioner's voluntary undertaking to deposit a sum of Rs. 1,00,000/- (Rupees One Lakh only) to prove his bona fides and his readiness to cooperate with the probe, this Court is of the view that custodial interrogation of the petitioner is not required. Taking into the totality of the circumstances, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain stringent conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen (15) days from the date on which the copy of this order is made ready, before the learned District Munsif-cum-Judicial Magistrate Court, Karimangalam, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty



Thousand only), with two sureties each for a like sum, to the satisfaction of the learned Magistrate concerned, and on further conditions:

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(a) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Dean, Rajiv Gandhi Medical Hospital, Chennai, within fifteen (15) days from the date of receipt of a copy of this order, and the copy of the deposit receipt shall be produced at the time of executing the bond, failing which this order shall stand automatically cancelled;

(b) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) 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 identify proofs to ensure their identity;

(d) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

(e) The petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) The petitioner shall not abscond either during investigation or trial;

(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions



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have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(g) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act;

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

- 1.The District Munsif-cum-Judicial Magistrate Court, Karimangalam.
- 2.The Inspector of Police, Karimangalam P.S., Dharmapuri.
- 3.The Public Prosecutor, High Court of Madras, Chennai.
- 4.The Dean, Rajiv Gandhi Medical Hospital, Chennai,



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C.KUMARAPPAN, J.

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