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CRL OP No. 16102 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16102 of 2026

Mahendra Kumar

..Petitioner

Vs

The State Rep By,
The Inspector of Police,
Villuppuram Taluk Police Station,
Villupuram District.
Crime No.179 of 2026

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.179 of 2026 pending investigation on the file of the respondent.

For Petitioner:

Mr.E.Kannadasan

For Respondent:

Mr.S.Yogaraja Sekar
Counsel for Government of Tamilnadu
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
16.04.2026 for the alleged offences under Sections 123, 274, 275 of the
Bharatiya Nyaya Sanhita, 2023 r/w 24(1) of Cigarette and Other Tobacco
Products Act, 2003 (Under Section 328, 272, 273 of Indian Penal Code, 1860),
in Crime No.179 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on receipt of secret information, the respondent police intercepted a mini-load vehicle and seized 16,500 packets of Hans and 4,560 packets of Cool Lip. Hence, the case was registered.

3. The learned counsel appearing for the petitioner would submit that this is the second bail application and the earlier application was dismissed by this Court. It is further submitted that A2 has already been enlarged on bail by the trial Court in Crl.M.P.No.1811 of 2026 dated 20.05.2026. The learned counsel would further submit that the petitioner has been in incarceration since 16.04.2026 and has no criminal antecedents. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would oppose the bail application on the ground that huge quantity of banned tobacco products was recovered.

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

6. This Court is of the view that though huge quantity of banned tobacco products has been recovered, considering the long incarceration of the petitioner since 16.04.2026, the absence of criminal antecedents and the fact that the co-



accused has already been enlarged on bail by the trial Court in Crl.M.P.No.1811 of 2026 dated 20.05.2026, 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 his executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties (out of which one surety must be a blood related surety), for a like sum each to the satisfaction of the learned **Judicial Magistrate No.I, Villupuram**, and subject to the following conditions:

[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 daily 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 petitioner in accordance with law as if the conditions had been imposed and the petitioner released on



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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.

25-06-2026

NSL

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

To

1. The learned Judicial Magistrate No.I, Villupuram.
2. The District Jail, Villupuram.
3. The Inspector of Police, Villuppuram Taluk Police Station, Villupuram District.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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