



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16234 of 2026

1. Nowsath Safeek
2. Mubarakali

..Petitioners

Vs

State Rep. by,
The Inspector of Police,
Bargur Police Station,
Erode District.
Crime No.41 of 2026

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners on bail in Crime No.41 of 2026 on the file of the Inspector of Police, Bargur Police Station, Erode District.

For Petitioners:

Mr.S.Ramesh

For Respondent:

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.06.2026 for the alleged offences under Sections 24(1) of COTPA Act and Section 123 and 275 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.41 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioners were found in possession of 450 kgs of Tobacco Products for illegal sale. Hence the case.

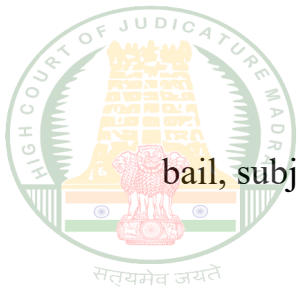
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3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the defacto complainant and they have been falsely implicated in this case. He further submitted that they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and would submit that the first petitioner has no previous case and second petitioner is having one previous case. However, he opposed to grant bail to the petitioner.

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

6. From the submissions of the learned counsel for both sides, this Court is of the view that, though the quantity is on the higher side, considering that the first petitioner has no previous cases, the second petitioner has only one previous case and taking into account the period of incarceration of the petitioners since 11.06.2026, this Court is inclined to enlarge the petitioners on



bail, subject to certain conditions.

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7. Accordingly, the petitioners are 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 for a like sum each to the satisfaction of the learned

Judicial Magistrate No. II, Bhavani, 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

[d] the petitioners 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 petitioners 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]*;



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

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

To

1. The Judicial Magistrate No. II, Bhavani.
2. The District Jail, Gobichettipalayam.
3. The Inspector of Police, Bargur Police Station, Erode District.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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