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CRL OP No. 16141 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. 16141 of 2026

Elumalai

..Petitioner

Vs

The Inspector of Police
Arni Taluk Police Station,
Tiruvannamalai District.
Crime No.237 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.237 of 2026 pending on the file of respondent.

For Petitioner:

Mr.S.Kalaikumar

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 14.06.2026 for the alleged offences under Sections 24(1) of Cigarette and Other Tobacco Products Acts, 2003 and 123 and 275 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.237 of 2026 on the file of the respondent police, seeks bail.



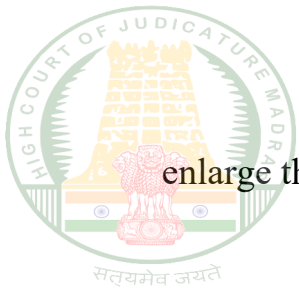
2. The case of the prosecution is that on 14.06.2026, the respondent police found the petitioner in possession of 21 packets of Hans weighing about 420 grams of prohibited tobacco products kept for sale in a petty shop. Hence, the case was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated and has no connection with the alleged offence. It is further submitted that the petitioner has been in judicial custody and is ready to abide by any conditions imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the recovery of banned tobacco products is only 420 grams and the petitioner has one previous case.

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

6. From the submission of the learned counsel on either side, this Court is of the view that though the petitioner has one previous case, considering that the recovery of banned tobacco products is only 420 grams and taking into consideration the long incarceration of the petitioner, this Court is inclined to



enlarge the petitioner on bail, subject to certain conditions.

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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 for a like sum each to the satisfaction of the learned

Judicial Magistrate, Arni, 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 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.

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25-06-2026

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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, Arni.
2. Central Prison, Vellore.
3. The Inspector of Police, Arni Taluk Police Station,
Tiruvannamalai District.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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