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CRL OP No. 16326 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. 16326 of 2026

Gopal

..Petitioner

Vs

State Rep.by,
The Inspector of Police,
T-16, Nazarathpet Police Station,
Tiruvallur District.
Crime No.80 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.80/2026 on the file of the Inspector of Police, T-16, Nazarathpet Police Station.

For Petitioner:

Mr.Vijayraj

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 01.05.2026 for the alleged offences under Sections 24(1) of COTPA Act, 2003 and 123, 111 of the Bharatiya Nyaya Sanhita, 2023, and 77 of Juvenile Justice (Care and Protection of Children) Act, 2005 in Crime No.80 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner was found in possession of 2900 kgs of banned Tobacco Products. Hence, the case.

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3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the defacto complainant and he has been falsely implicated in this case. He further submitted that he is ready to abide by any conditions that may be imposed by this Court. It is further submitted that petitioner has been in judicial custody since 01.05.2026 and the co-accused has already been enlarged on bail in Crl.O.P.No.15347 of 2026 dated 18.06.2026. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and upon instructions, submitted that the petitioner has got two previous cases which is similar in nature. Hence, he opposed to grant anticipatory bail to the petitioner.

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 the learned Government Advocate (Criminal Side) objects on the ground that the petitioner has two



previous cases, the learned counsel for the petitioner submits that the co-accused also has one previous case and seeks parity. Considering that this petitioner was only the driver and that the co-accused has already been enlarged on bail in Crl.O.P. No. 15347 of 2026 dated 18.06.2026 and taking into account the long incarceration of the petitioner since 01.05.2026, this Court is inclined to extent parity to the petitioner and enlarge him 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 for a like sum each to the satisfaction of the learned **Judicial Magistrate II, Poonamalle**, 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 30 days 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;



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[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.

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 learned Judicial Magistrate-II, Poonamalle.
2. The Central Prison, Puzhal II, Chennai.
3. The Inspector of Police, T-16, Nazarathpet Police Station, Tiruvallur District.
4. The Public Prosecutor, High Court of Madras.



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CRL OP No. 16326 of 2



C.KUMARAPPAN, J.

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