



WEB COPY

Crl.O.P.No.16614 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.16614 of 2026

V.Nithya

... Petitioner(s)

Vs.

The State rep. by
The Inspector of Police,
Varanjaram Police Station,
Varanjaram, Kallakurichi
Crime No.130 of 2026

... Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail concerned in Crime No.130 of 2026 pending on the file of the respondent police.

For Petitioner(s) : Mr.D.Babu Varadharajan

For Respondent(s) : Mr.S.Yogaraja Sekar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.06.2026 for the alleged offences under Section 123 of the Bharatiya Nyaya Sanhita, 2023 r/w Section 24(1) of the COTPA Act, in Crime No.130 of 2026 on the file of the respondent police, seek bail.



WEB COPY

2. The case of the prosecution is that the petitioner was found in possession of 6.440 kilograms of banned tobacco products. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody since 20.06.2026 and is ready to abide by any conditions that may be imposed by this Court. He further submitted that the petitioner is the mother of a one-year-old child who requires breastfeeding and her continued incarceration would cause hardship to the child. Hence, he prayed for the grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of bail, reiterated the prosecution case and, on instructions, submitted that the petitioner has no bad antecedents and that a major portion of the investigation has already been completed.

5. Considering the above facts and circumstances, the period of incarceration undergone by the petitioner, the fact that the petitioner has no bad antecedents, the fact that the petitioner is a woman having a one-year-old child requiring breastfeeding, and also the fact that a major portion of the



investigation has already been completed, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

WEB COPY

6. Accordingly, the petitioner is 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 each for a like sum to the satisfaction of the learned Judicial Magistrate Kallakurichi No.1, Kallakurichi District, 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 everyday 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 petitioners in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself,



WEB COPY

CrI.O.P.No.16614 c



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.

29.06.2026

skr

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 Kallakurichi No.1, Kallakurichi District

2. The Superintendent, Sub Jail for Women, Villupuram

3. The Inspector of Police, Varanjaram Police Station, Varanjaram, Kallakurichi

4. The Public Prosecutor, High Court of Madras



WEB COPY

Crl.O.P.No.16614 of 2026



C.KUMARAPPAN,J.

skr

Crl.O.P.No.16614 of 2026

29.06.2026