WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31445 of 2026

CNR: {HCMA012433772026}

Vijayakumar

..Petitioner(s)

Vs

The State rep by,
The Inspector of Police
Deevattipatti Police Station,
Salem District.
Crime No.370/2026

..Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 482 of BNSS praying to enlarge the petitioner on bail in the event of arrest a case in crime No.370 of 2026 on the file of the Respondent and thus render Justice.

For Petitioner(s): Mr.Hasnah.P

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offences under Sections 7, 20(2) of COTPA Act read with Sections 275 and 123 of BNS in Crime No.**370 of 2026** on the file of the respondent police seeks anticipatory bail.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. The case of the prosecution is that the accused persons illegally transported 445.560 kg of banned tobacco products, valued at approximately Rs.3,36,000/-, from Bengaluru to Tamil Nadu for the purpose of selling the same to customers.

3. The learned counsel for the petitioner submitted that the petitioner is innocent, a false case has been foisted against him, and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Without prejudice to his defence, the petitioner undertakes to pay a sum of Rs. 3,00,000/- as a non-refundable deposit to any welfare scheme directed by this Court.

4.4. *Per contra*, the learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner has four previous cases pending against him. He further submitted that the first anticipatory bail application filed by the petitioner in Crl.O.P. No. 28420 of 2025 was dismissed by this Court on 17.10.2025. Hence, he strongly opposed the grant of anticipatory bail to the petitioner.

https://www.mhc.tn.gov.in/judis

WEB COPY

5. I have given my anxious consideration to either side submissions.

6. It is observed that although the petitioner's earlier anticipatory bail application was dismissed on 17.10.2025, a substantial period has since elapsed. Crucially, to demonstrate his *bona fides*, the petitioner has now undertaken to deposit a sum of Rs. 3,00,000/- to a welfare scheme without prejudice to his defence. Considering these changed circumstances and the facts of the case, this Court is of the firm view that the custodial interrogation of the petitioner is no longer required. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioner shall deposit a sum of **Rs.3,00,000/- (Rupees Three Lakhs only)** by way of Demand Draft to the **Arginar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram, Account Name:Tobacco Court Penalty Fund; A/C No.7417027486, IFSC Code – IDIB000K012; Branch:Kancheepuram,** and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Omalur** on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only),** with **two sureties each,** for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions::

https://www.mhc.tn.gov.in/judis

WEB COPY

(a)If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety slip (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) **The petitioner shall report before the respondent police daily at 10.30 am until further orders.**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];***

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MFA

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Judicial Magistrate
   Omalur

2. The Inspector of Police
   Deevattipatti Police Station,
   Salem District.

3. The Public Prosecutor,
   High Court, Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.RAMESH, J.

MFA

CRL OP No. 31445 of 2026

30-10-2026

https://www.mhc.tn.gov.in/judis