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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30895 of 2026

CNR: {HCMA012565502026}

Kasinathan,
S/o.Amirthalingam,
No.4/127, North Street,
Aralur, Kuthalam-Thaluka,
Melaparuthikudi, Palaiyur,
Nagapattinam, Tamil Nadu.

..Petitioner(s)

Vs

The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
Cr.No.359/2026.

..Respondent(s)

PRAYER: Criminal Original Petition filed under section 483 of BNSS Act, praying to enlarge the petitioner on bail in connection with Cr.No.359 of 2026 on the file of the Inspector of Police, Palaiyur Police Station.

For Petitioner(s): Mr.K.M.Vijayan Associates

For Respondent(s): Mrs. R.S.Indira,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.10.2026 for the alleged offences under Sections 123 of BNS, 2023, 6 r/w 24(1) of the Cigarettes and Other Tobacco Products Act, 2003, in Crime No.359 of 2026 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products, namely Hans Pouch (each pouch containing 20 grams) and weighing 3 kg in total. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the contraband involved has already been seized by the respondent police, and since the petitioner has been in judicial custody from 07.10.2026, his further custodial interrogation is not required. He added that the petitioner is ready to cooperate with the investigation and abide by any stringent conditions imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent opposed the grant of bail on the ground that the petitioner has two previous cases.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police, and perused the materials available on record.

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6.Considering the facts and circumstances of the case, the quantity of the contraband involved, the period of incarceration undergone by the petitioner from 07.10.2026, this Court is inclined to grant regular bail to the petitioner, subject to strict conditions to ensure his presence during investigation and trial.

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 to the satisfaction of the **learned Judicial Magistrate No.II, Mayiladuthurai,** and on further conditions that:

[a] the sureties shall affix his 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 his identity;

[b] The petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[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 pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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

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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, Mayiladuthurai.

2.The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.

3.The Sub Jail, Mayiladuthurai.

4.The Public Prosecutor,
High Court of Madras.

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N.RAMESH, J.

CDA

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