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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32181 of 2026

CNR: {HCMA012614122026}

Harshan Kumar

..Petitioner(s)

Vs

Case QR

The State Rep by The Inspector of Police
Palladam Police Station,
Tiruppur District.
Crime no.1073 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned in Crime no.1073 of 2026 pending investigation on the file of the Respondent.

For Petitioner(s): Mr.R.Parthiban

For Respondent(s): Mr.M.M.I.Khaleel, Govt.Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.10.2026 for the alleged offence under Section 123, 275 of BNS, 2023 and 20(2) of the Cigarettes and Other Tobacco Products Act, 2003, in Crime No.1073 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 252.2 kg of banned tobacco products. Hence, the present case was

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registered.

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3. The learned counsel appearing for the petitioner submitted that the petitioner hails from Rajasthan, is entirely innocent, and has been falsely implicated in the present case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for the grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail. Upon instructions, he reiterated the prosecution case and submitted that one previous case of a similar nature is pending against the petitioner. He further noted that the petitioner has been incarcerated since 13.10.2026.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

6. Considering the submissions made by the learned counsel on both sides, this Court observes that although a substantial quantity of banned tobacco products was allegedly recovered from the petitioner and he has one adverse antecedent of a similar nature, he has been in judicial custody since 13.10.2026.

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Therefore, taking into account the period of incarceration, this Court is inclined to enlarge the petitioner on bail, subject to certain stringent conditions.

7. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, on instruction, is ready and willing to deposit an amount of Rs.1,00,000/- (Rupees One Lakh Only) as a non-refundable deposit to any welfare scheme of the Government or any other organization.

8. Accordingly, the petitioner is directed to deposit a sum of Rs. 1,00,000/- (Rupees One Lakh only) as a non-refundable deposit by way of a Demand Draft drawn in favour of the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram.** Upon such deposit and production of proof thereof, 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 (one of whom shall be a blood relative and the other a local surety), each for a like sum to the satisfaction of the learned **Judicial Magistrate, Palladam**, and subject to the following further 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;

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[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;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in acc 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.

04-11-2026

MPA

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.

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To

1.The Judicial Magistrate Court, Palladam.

2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
Crime no.1073 of 2026.

3.The Superintendent, Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

MPA

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