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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32204 of 2026

CNR: {HCMA012634932026}

Santhosh
S/o Dhandapani,
No. Marriyamman Koil Street,
Mettu Colony, Pariyandal,
Ulundurpet Taluk,
Kallakurichi District.

Case QR

..Petitioner(s)

Vs

The State Rep. by Inspector of Police
Elavanasurkottai Police Station,
Kallakurichi District.
Crime No.265 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on enlarge the petitioner on bail in Crime No.265 of 2026 pending on the file of the Respondent Police and thus render Justice.

For Petitioner(s): Mr.B.Abdul Samath

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.10.2026 for the alleged offences under Section 123 of the BNS read with Section 24(1) of Cigarettes and other Tobacco Products Act (COTPA) in Crime No.265 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that, while the respondent police were on patrol duty, they found the petitioner in illegal possession of two kgs of banned tobacco products during a search. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case without any basis. It is submitted that the petitioner has been in judicial custody since 23.10.2026 and that the petitioner is ready to cooperate with the investigation. The learned counsel would further contend that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was found in possession of banned tobacco products and that there is one previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the submissions made by the learned counsel on both sides, this Court is of the view that though the petitioner was found in

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possession of banned tobacco products, there is one previous case pending against him. Further, taking into account that the petitioner has been in judicial custody since 23.10.2026, this Court is inclined to enlarge the petitioner 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 No.I, Ulundurpet,** 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. 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 take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on

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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.

05-11-2026

DRL

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.I,
Ulundurpet.

2. The Inspector of Police
Elavanasurkottai Police Station,
Kallakurichi District.

3.The Superintendent, Sub Jail,
Ulundurpet.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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