WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31961 of 2026

CNR: {HCMA012636562026}

Mohammed Rafi

Case QR

..Petitioner(s)

Vs

The State Rep. by, The Sub Inspector of Police
Brahmmapuram Police Station,
Vellore District.
Crime No.142 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Cr.No.142 of 2026 on the file of Respondent Police and pass such other suitable orders as this Honble Court.

For Petitioner(s): M.R.Thangavel

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.10.2026 for the alleged offence under Sections 7(5), 20(2) of COTPA Act, 2003 and section 123 of BNS, 2023 (corresponding section 328 of IPC) in Crime No.142 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

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

WEB COPY

possession of 18.745 kg of banned tobacco products. Hence, the present case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, has been falsely implicated in the present case, and 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 and, therefore, prayed for the grant of bail.

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 but submitted that the petitioner has no previous cases pending against him.

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 notes that although the petitioner was allegedly found in possession of banned tobacco products, he has no adverse antecedents. Therefore, taking into account the facts and circumstances of the case, along with the fact that the petitioner has been in judicial custody since 16.10.2026,

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

WEB COPY

this Court is inclined to enlarge the petitioner on bail, subject to certain 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.10,000/- (Rupees Ten Thousand 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.10,000/- (Rupees Ten Thousand only) as a non-refundable deposit by way of Demand Draft to the **Arignar 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 and production of proof, 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** each for a like sum to the satisfaction of the **learned Judicial Magistrate, Katpadi,** and on further conditions that:

> [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;

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

WEB COPY

[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.

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

WEB COPY

To

1.The Judicial Magistrate, Katpadi.

2. The Sub Inspector of Police
Brahmmapuram Police Station,
Vellore District.
Crime No.142 of 2026.

3.The Superintendent, Central Prison,
Vellore.

4.The Public Prosecutor,
High Court, Madras.

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

WEB COPY

N.RAMESH, J.

MPA

CRL OP No. 31961 of 2026

04-11-2026

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