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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.32640 of 2026

1.Kamlesh Kumar,
S/o.Jugata Ram, Meerpura,
Gundau Taluk, Jalor District,
Rajasthan-343040.

2.Mukesh,
S/o.Kesa Ram, Rohila,
Barmer Taluk, Barmer District,
Rajasthan-344704. ...Petitioners/A1&A2

Vs

The State Represented by
The Inspector of Police,
T-11 Somangalam Police Station,
Tambaram, Kancheepuram District. ...Respondent/Complainant
(Crime No.283 of 2026)

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.283 of 2026 on the file of the Respondent, T-11 Somangalam Police Station, pending investigation.

For Petitioners : Mr.M.L.Ramesh

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

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O R D E R

The petitioners, who were arrested and remanded to judicial custody on 27.09.2026 for the alleged offences punishable under Section 123 of the Bharatiya Nyaya Sanhita, 2023 r/w Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution Act, 2003 ("COTPA"), in Crime No.283 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were found to be in illegal possession of 402.9 kgs of banned tobacco products. Hence, this case.

3. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He further submitted that there is no previous cases are pending against them. He also further submitted that the petitioners are in custody since 27.09.2026 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant bail to the petitioners.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and

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submitted that the petitioners have been incarcerated since 27.09.2026, however, fairly conceded that the petitioners have no criminal antecedents. However, he opposed the grant of bail to the Petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent police, and carefully perused the entire materials available on record.

6. Considering the facts and circumstances of the case; taking note of the submission made by the learned Government Advocate (Crl.Side); considering the fact that the petitioners have been incarcerated since 27.09.2026, this Court is inclined to grant bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners shall deposit a sum of **Rs.25,000/- each (Rupees Twenty Five Thousand 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 petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- each (Rupees Twenty Five Thousand only) with two sureties each** for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Sriperumbudur,** and on further conditions that:

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[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 their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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 Court,
Sriperumbudur.

2.The Inspector of Police,
T-11 Somangalam Police Station,
Tambaram, Kancheepuram District.

3. The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

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