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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32508 of 2026

CNR: {HCMA012663782026}

Case QR

Boopathi
S/o.Parasuraman,
No.34/1, New Street,
Ramakrishnapuram, 604102.
Tiruvannamalai District.

..Petitioner(s)

Vs

The State rep by the Inspector of Police
Moranam Police Station,
Tiruvannamalai District.
Crime No.188 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.188 of 2026 on the file of the respondent police.

For Petitioner(s): Mr.V.R.Appaswamee

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.10.2026 for the alleged offences under Sections 123 of BNS, 2023 r/w Section 24(1) of Cigarettes and other Tobacco Products Act (COTPA), 2003 in Crime No.188 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 possession of 3 kgs of banned tobacco products. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner, aged 58 years, 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 17.10.2026 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 no previous cases 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 possession of banned tobacco products, there are no previous cases pending

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against him. Further, considering the age of the petitioner and taking into account that the petitioner has been in judicial custody since 17.10.2026, 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 Court, Cheyyar,** 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 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];***

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[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

10-11-2026

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 Court,
Cheyyar.

2. The Inspector of Police
Moranam Police Station,
Tiruvannamalai District.

3.The Superintendent, Central Prison,
Vellore.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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