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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 33571 of 2026

Elumalai,
S/o.Velu,
No.285, Manthaivelli Street,
Se Nachipattu, Chengam Taluk,
Tiruvannamalai District 606 709. ...Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Chengam Police Station,
Tiruvannamalai District. ...Respondent/Complainant
Crime No.301 of 2026.

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending in Crime No.301 of 2026 on the file of respondent police.

For Petitioner(s): Mr.S.L.Venkatesan
For Respondent(s): Mr.Durai Gunasekaran,
Govt.Advocate (Crl.Side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 03.11.2026 for the alleged offences under Section 123, 275 of BNS Act 2023 R/w.24(1) of COTPA Act, in Crime No.301 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 105 packet of Hans (each 20 grams) of banned tobacco products. 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 03.11.2026 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. He further submitted that no previous case is pending against him and the investigation is still pending. Hence, 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.

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6. Considering the submissions made by the learned counsel on both sides and taking into account that the petitioner has been in judicial custody since 03.11.2026, 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, Chengam, Tiruvannamalai District,** 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.

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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,
Chengam, Tiruvannamalai District.

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

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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