WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP Nos. 34892 & 34909 of 2026

CNR: {HCMA012828262026}

In Crl.O.P.No.34892 of 2026

Case QR

Rajesh Kumar
S/o Hanuman Ram,
Bothokithani, Padarri,
Padarri (P.O.)
Sindhasawa harniyan,
Barmer District,
Rajasthan.

..Petitioner(s)

Vs

State rep by the Inspector of Police
Neelambur Police Station,
Coimbatore District.
Crime No. 107 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the bail to the petitioner in Crime No. 107 of 2026 on the file of the respondent police and pass such further order or orders deem fit and proper in the circumstances of the case and thus render justice.

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

In Crl.O.P.No.34909 of 2026

1. Bhabhuta Ram
   S/o Bharthram,
   No.233, Jadoko Goliya,
   Seli,
   Jalor Taluk,
   Jalor District,

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

WEB COPY

Rajasthan.
2. Suresh Kumar
S/o Sanaram,
Devuda,
Jhanhore,
Jalore,
Jalor Taluk,
Jalor District,
Rajasthan.

..Petitioner(s)

Vs

The State Rep by The Inspector of Police
Neelambur Police Station,
Coimbatore District.
Crime no.107 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Bail to the petitioner in Crime no.107 of 2026 on the file of the Respondent Police and pass such further order or orders.

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.09.2026 for the alleged offence under Sections 184 of the Motor Vehicles Act, 1988, sections 109, 123, 132 and 281 of the BNSS and 24(1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in Crime No.107 of 2026 on the file of the respondent police, seek bail.

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

WEB COPY

2. The case of the prosecution is that during routine patrol duty, the respondent police intercepted a Hyundai Creta car bearing Registration No.KA 05 NG 7692. On searching the vehicle, the police allegedly found and seized 237 kgs of banned tobacco products. Hence, the present case was registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners hail from Rajasthan, are innocent persons, and have been falsely implicated in this case. He further submitted that the petitioners have been in judicial custody since 27.09.2026, have no bad antecedents. Submitting that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court, he prayed for the grant of bail to the petitioners.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the grant of bail. Upon instructions, he reiterated the prosecution case and submitted that a huge quantity of 237 kgs of banned tobacco products was seized from the petitioners and the investigation is still pending. However, he fairly conceded that there are no previous cases pending against the petitioners.

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.

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

WEB COPY

6. Considering the facts and circumstances of the case, the nature of allegations, the fact that the petitioners have no previous cases to their credit, and the period of incarceration already undergone by them, this Court is inclined to grant bail to the petitioners, subject to certain stringent conditions.

7. At this juncture, the learned counsel for the petitioners submitted that the petitioners, without prejudice to their defence and contentions, on instructions, are ready and willing to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as a non-refundable deposit to any welfare scheme of the Government or any other organization.

8. Accordingly, the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as a non-refundable deposit by way of a Demand Draft drawn in favour of the Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram. Upon such deposit and production of proof thereof, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sulur, and subject to the following further conditions:

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

WEB COPY

[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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

[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 acc 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.

26-11-2026

MPA

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

WEB COPY

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, Sulur.

2. The Inspector of Police
Neelambur Police Station,
Coimbatore District.
Crime No. 107 of 2026

3.The Superintendent, Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

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

WEB COPY

N.RAMESH, J.

MPA

CRL OP Nos. 34892 & 34909 of 2026

26-11-2026

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