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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 34737 of 2026

CNR: {HCMA012835892026}

Lingaraj
S/o.Ramarapandi,
No.04, Muthu Complex Sidar Kovil,
Salem South Taluk,
Salem District.

Case QR

..Petitioner(s)

Vs

The State rep by the Inspector of Police
Shevapet Police Station,
Salem District.
Crime No.149/2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to order enlarge the petitioner on bail in Crime No.149 of 2026 on the file of the respondent.

For Petitioner(s): Mr..Deepakkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.10.2026 for the alleged offences under Section 77 of the JJ Act and Section 6 and 24(1) of COTPA Act in Crime No.149 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 to sacks of banned tobacco products weighing about 214.15 kgs. 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 30.10.2026 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 has 14 previous cases, out of which, 13 cases are similar nature are pending against him. 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. It is a case of banned tobacco products near school. According to the prosecution, the petitioner was found near Vasavi Higher Secondary School

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with two sacks of banned tobacco products weighing about 214 kgs. The petitioner was arrested on 30.10.2026 and has been in judicial custody since then. The petitioner has 14 previous cases of similar nature pending against him.

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.2,00,000/- (Rupees Two Lakhs 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.2,00,000/-(Rupees Two Lakhs 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 No. II, Salem,** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship

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[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 file an undertaking affidavit before the concerned Magistrate that he will not indulge in similar activities in future. If any other case is filed or registered against the petitioner, the respondent police shall be at liberty to initiate proper proceedings for cancellation of bail.

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[f] 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];**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

25-11-2026

DRL

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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 No.2, Salem.

2. The Inspector of Police
Shevapet Police Station,
Salem District.

3.The Superintendent, Central Prison,
Salem.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

CRL OP No. 34737 of 2026

25-11-2026

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