



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **05.01.2026**
CORAM
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Crl.O.P.No.35085 of 2025

Nagaraj @ Pambu Nagaraj

...Petitioner

Vs

The State Rep by
The Inspector of Police,
M-5, Ennore police Station,
Chennai
Crime No.760 of 2025.

..Respondent

PRAYER Criminal Original Petition filed under Section 483 of BNSS, to_enlarge the petitioner on bail in Crime No. 760 of 2025 pending investigation on the file of the respondent police.

For Petitioner: Mr.P. Santhosh

For Respondent : Mr. A. Gopinath
Government Advocate (Crl.
Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.11.2025, for the offences punishable under Section 123 of BNS r/w Section 24(1) of Cigarette and Other Tobacco Products Act, 2003 in

Page 1 of 7



Crime No. 760 of 2025, registered on the file respondent police, seeks bail.

2. This is the successive bail petition. Earlier bail petition of the petitioner was dismissed by this Court in CrI.O.P.No.32399 of 2025 on 26.11.2025 for the following reasons:

5.Considering the fact that the gravity of offence committed by the petitioner; that the petitioner is having 14 previous cases including one robbery case and another case u/s.307 of IPC; that the custodial interrogation of the petitioner is required in this case; that if the bail is granted to the petitioner, he would indulge in similar offences in future, this Court is not inclined to grant bail to the petitioner.

3.The allegation against the petitioner is that the petitioner was found in possession of 10 kilograms (450 pocketsof Hans, 80 pockets of Cool Lip and 500 grams of Mava) of banned tobacco products worth about Rs.10,000/- illegally. Hence the case.

4.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case case and he has not committed any offence as alleged by the prosecution. He further submits that as the petitioner is having previous cases the earlier bail application

Page 2 of 7



of the petitioner was dismissed by this Court in Crl.O.P.No.32399 of 2025 on 26.11.2025. However, the petitioner has been acquitted from nine previous cases. Hence prays to grant bail to the petitioner.

5.The learned Government Advocate (Crl.side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and submitted that the petitioner is having 14 previous cases, including one robbery case and another case u/s.307 of IPC. He further submits that investigation is not yet completed. Therefore, he opposed for grant of bail to the petitioner.

6.Heard both sides and perused the list of previous cases and it is found that the petitioner was acquitted from nine previous cases.

7. Considering the submissions of the learned counsel on either side, the fact that petitioner is in judicial custody from 04.11.2025 and he has been acquitted from nine previous cases, this Court is inclined to grant bail to the petitioner on certain conditions.



WEB COPY

8. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties, for a like sum to the satisfaction of the *learned Judicial Magistrate Court at Thiruvotriyur* and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b]the petitioner shall appear before the **Judicial Magistrate Court at Thiruvotriyur daily at 10:30 a.m., for a period of three weeks and thereafter as and when required for interrogation by the respondent police.**

[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 aforesaid conditions,

the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

[f] If the accused thereafter absconds, a fresh

FIR can be registered under Section 269 B.N.S.

05.01.2026

smn

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.



WEB COPY

To

1.The *Judicial Magistrate Court at Thiruvotriyur*

2.The Inspector of Police,
M-5, Ennore Police Station
Chennai.

3.The Superintendent,
Central Prison, Puzhal, Chennai

4.The Public Prosecutor,
High Court, Madras.



WEB COPY



K.RAJASEKAR, J.,

smn

CRL OP NO.35085 of 2025

05.01.2026