



CRL OP(MD). No.3096 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16/02/2026

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THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.3096 of 2026

Balasubramanian @ Duraisingam,

... Petitioner

Vs.

State of Tamilnadu Rep by
Inspector of Police,
Sendhamaram Police Station,
Tenkasi District,
Crime No.41/2026.

... Respondent

PRAYER :- For Bail in Crime No.41/2026 on the file of the respondent police.

For Petitioner : Mr. KR.Bharathi Kannan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 31.01.2026 for the offences punishable under Section 24(1) of Cigarette and Other Tobacco Products Act (COTPA) & Section 77 of



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Juvenile Justice (Care and Protection of Children) Act, in Crime No.41
of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of banned tobacco products (11.475 Kg.). Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and they are in judicial custody from 31.01.2026. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there is one previous case pending as against the petitioner. However, he opposed for grant of bail to the petitioner .



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5. Taking into consideration of the facts and circumstances of the case and also consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, this Petition is allowed and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Tenkasi, 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] While producing sureties, the petitioner shall file an undertaking affidavit before the concerned Magistrate stating that he will not commit any offence and will not sell banned tobacco products; the petitioner shall report before the respondent police daily at 10.30 am, until further orders.



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[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with 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 BNS.

16.02.2026

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1. The Judicial Magistrate,
Tenkasi.
2. The Superintendent,
Sub Jail,
Tenkasi.
3. The Inspector of Police,
Sendhamaram Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J

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ORDER
IN
CRL OP(MD) No.3096 of 2026

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