



CRL OP(MD). No.3333 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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1. Selvaraj,
2. Adhil,

... petitioners

Vs.

State of Tamilnadu Rep by
Inspector of Police,
Town East-Thanjavur Police Station,
Thanjavur.
Crime No.46/2026.

... Respondent

PRAYER :- For Bail in Crime No.46/2026 on the file of the respondent
Police.

For petitioners : Mr.S. Manojkumar,
Advocate.

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

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial
custody on 02.02.2026 for the offences punishable under Section 123
BNS 2023 and Sections 5, 7(1) and 24(1) of Cigarette and other Tobacco



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Act, 2003, in Crime No.46 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners was found in illegal possession of banned tobacco products (502 Kg.). Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. He further submitted that the petitioners are ready and willing to abide by any conditions which may be imposed by this Court and they are in judicial custody from 02.02.2026. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that there are three previous cases pending as against the petitioners, which are not similar in nature. However, he opposed for grant of bail to the petitioners.



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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 petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

6. Accordingly, this Petition is allowed and the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Thanjavur 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 petitioners shall file an undertaking affidavit before the concerned Magistrate stating that they will not commit any offence and will not sell banned tobacco products; the petitioners shall report



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before the respondent police daily at 10.30 am, until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the 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)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

18.02.2026

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1. The Judicial Magistrate No.I,
Thanjavur.
2. The Superintendent,
District Prison,
Thanjavur.
3. The Inspector of Police,
Town East-Thanjavur, Police Station,
Thanjavur.
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.3333 of 2026

Date : 18/02/2026