



Crl.O.P(MD).No. 4840 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2026

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD)No.4840 of 2026

1. Jitubhai

2. Peeru Shaha

... Petitioners/

Accused Nos.3 and 4

Vs

The State of Tamil Nadu,
Represented by its
The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
(Crime No.51 of 2026)

... Respondent/
Complainant

For Petitioners : Mr.M.Karuppasamy

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.51 of 2026 on the file of the respondent police

ORDER : The Court made the following order :-



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The petitioners, who were arrested and remanded to judicial custody on 11.02.2026 for the offences punishable under Section 24(1) of Cigarette and other Tobacco Products Act 2003 (COTPA Act) and Section 123 of Bharatiya Nyaya Sanhita (BNS), 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 11.02.2026 at 06.30 a.m, the petitioners and other two accused persons were found in possession of 297 Kg banned Tobacco products worth about of Rs.1,58,400/-. Hence, they registered a case against the petitioners for the offences under Sections 24(1) of Cigarette and other Tobacco Products Act 2003 (COTPA Act) and Section 123 of Bharatiya Nyaaya Sanhita (BNS), 2023, and arrested and remanded them on 11.02.2026. 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 in judicial custody from 11.02.2026 and no previous case is pending against them. He further submitted that they are ready and willing to deposit of any



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amount and to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions would submit that the first petitioner is having one previous case is similar in nature and the second petitioner is having two previous cases are in similar nature. He further submitted that the first accused has involved in another criminal case in Crime No.21 of 2025 in C.C.No.35 of 2026 on the file of the Judicial Magistrate, Vandhavasi, and the same is pending. He further submitted that if the petitioners are released on bail they have to escape from the trial Court. Hence, he opposed for grant of bail to the petitioners.

5. This Court considered the rival submissions and perused the materials available on record.

6. Considering the fact that the petitioners have found alleged possession of 297 Kg banned Tobacco products and also considering the fact that the petitioners undertakes to deposit amount of Rs.50,000/- each,



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

7. Accordingly, the 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 **learned Judicial Magistrate Court, Sivagiri, Tenkasi District**, and on further conditions that :-

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] **the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each as non-refundable, to the Credit of the Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, Account No:30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832;** on such deposit being made, the learned Magistrate shall accept the sureties furnished by the petitioners.

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

[d] the petitioners shall not tamper with the evidence or



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witness either during investigation or trial.

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

[f] 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 is 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].

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

8. The learned Judicial Magistrate, Vanthavasi, is directed to complete the trial in C.C.No.35 of 2026 within a period of two months from the date of receipt of a copy of this order.

(K K R K J)

05.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate Court,
Sivagiri, Tenkasi District.
2. The Judicial Magistrate,
Vanthavasi.
3. The Officer-in-Charge,
Central Prison,
Palayamkottai.
4. The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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Order made in
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