



CRL OP(MD). No. 6846 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.04.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

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Nesakumar

...Petitioner/Accused

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli.
(Crime No. 118 of 2026)

...Respondent/Complainant

For Petitioner : Mr.S.Muniyandi
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 118 of 2026 on the file of the respondent police.

ORDER : The Court made the following order :-



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The petitioner / Accused, who was arrested and remanded to judicial custody on 20.03.2026 for the offences punishable under Sections 123 of BNS and Sections 6(b), 24(1) of COTPA, 2003 in Crime No. 118 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.03.2026 at about 10.00 hrs, based on the secret information, when the respondent police were in patrol duty, they found that the petitioner was in illegal possession of 223 grams ganesh brand tobacco products and 51.84 grams of cool-lip and 50 grams of tobacco products. The respondent police seized the tobacco products and registered a case against the petitioner. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that he has been arrested and remanded to judicial custody on 20.03.2026. Therefore, prayed to grant bail for the petitioner.

4. The learned Additional Public Prosecutor appearing for the



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respondent would submit that based on the complaint lodged by the defacto complainant, the case has been registered under Sections 123 of BNS and Sections 6(b), 24(1) of COTPA, 2003. He would further submit that the petitioner has twelve previous cases, which are similar in nature. He would further submit that the investigation is pending and the offences are grave in nature and hence, he strongly opposed to grant bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on either side, nature of offence, and considering the quantity involved in this case and though the petitioner has twelve previous cases, in all cases bail was granted to the petitioner, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released



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on bail on condition to execute 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 learned Judicial Magistrate-V, Tirunelveli, and on further conditions that:

[b] the petitioner shall report before the Inspector of Police, Tiruchendur Police Station, Thoothukudi, daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the



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learned Judicial 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].

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

(P D B J)
08.04.2026

apd
To

- 1.The Judicial Magistrate-V, Tirunelveli.
- 2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli.
3. The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi
4. The Superintendent, Central Prison, Palayamkottai, Tirunelveli.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J

apd

ORDER
IN
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