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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 23-10-2026**

CORAM

**THE HON'BLE DR.JUSTICE P.MURUGAN**

**CRL OP(MD) No. 24215 of 2026**

CNR:{HCMD011529962026}

Somu

..Petitioner(s)

Vs

State Of Tamilnadu Rep By Inspector Of Police,
Pettai
Police Station,
Tirunelveli District.
Crime No. 366/2026.

..Respondent(s)

**PRAYER:** This Petition filed under section Other Act (Bail) C-33B. For Bail in Crime No.366 of 2026 on the file of the respondent police.

For Petitioner(s): M/s. V. Ramnath Iyer
For Respondent(s): V.Shathurthi Raja, GA (Crl.Side)

**ORDER**

**ORDER :** The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 03.10.2026 for the offences alleged in Crime No.366 of 2026, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, on 30.09.2026, at about 09.00 a.m., during vehicle checking at Pettai–Old Pettai Road, the respondent police intercepted a car bearing Registration No. TN 14



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W 3237 and upon searching the vehicle, allegedly found 222.75 kg of banned tobacco products being illegally transported by A1 and A2. It is further alleged that the banned tobacco products had been purchased at Bangalore and that the registration number plate of the vehicle had been changed before entering Tamil Nadu. Further enquiry allegedly revealed that the accused had previously purchased banned tobacco products for A3 and A4 and unloaded the same in the godown of A4. Thereafter, the respondent police proceeded to the godown of A4 and seized 402.193 kg of banned tobacco products, worth Rs.3,09,604/-. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is working as a driver and that he has been falsely implicated in the present case. He would further submit that the petitioner had handed over his mobile phone and SIM card to an unknown person and that the mobile phone and SIM card stood registered in the name of the petitioner/A5. The petitioner has no connection with the alleged offences and no specific overt act has been attributed to him. He would further submit that the petitioner is in judicial custody from 03.10.2026 and that his earlier bail application filed before the learned Principal Sessions Judge,



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Tirunelveli, in Crl.M.P.No.4525 of 2026, was dismissed on 15.10.2026. He would also submit that the co-accused have been granted anticipatory bail by this Court in Crl.O.P.(MD) No.23005 of 2026, vide order dated 15.10.2026. The petitioner is the sole breadwinner of his family, his father having died eight years ago, and he is also taking care of his mother, who is suffering from health ailments. He is ready to abide by any condition that may be imposed by this Court and is prepared to furnish sufficient sureties for his appearance before the jurisdictional Court.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is not having any previous cases. He would also submit that the proceedings initiated under Act 14 against the petitioner were revoked on 14.10.2026.

5.Considering the facts and circumstances of the case, particularly the fact that the proceedings initiated under Act 14 against the petitioner were revoked on 14.10.2026, the period of incarceration undergone by the petitioner from 03.10.2026 and the fact that the co-accused have been granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioner, subject to



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the following conditions:

**[a]** The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Tirunelveli, and shall furnish two sureties for a like sum, subject to the satisfaction of the said Court. The petitioner and the sureties shall affix their photographs and left thumb impressions in the bond and the learned Magistrate may obtain copies of their Aadhaar cards or bank passbooks to ensure their identity;

**[b]** On execution of the surety, the accused is directed to appear before the Judicial Magistrate No.II, Tirunelveli, for a period of 30 working days at 10.30 am. Thereafter, the accused shall appear before the said Court on every Wednesday at 10.30 am for a period of 10 weeks;

**[c]** In the event that the accused is unable to appear before the said Court, the counsel for the accused may file accused absence petition on behalf of the accused under Section 355 of BNSS and the same may be considered by the Court;

**[d]** In the event that neither the accused appear nor his counsel file any such accused absent petition, the Court has to issue a Non Bailable Warrant against the accused and secure him and commit him to custody**;**

**[e]** If the accused thereafter absconds, a fresh FIR shall be registered under Section 269 BNS, 2023;

**[f]** If the investigating agency requires the presence of the accused, after the execution of the bail bond, the Investigating



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Officer has to issue a summons to the accused for interrogation. However, the interrogation should not amount to harassment of the accused. The issuance of the summons to the accused and the interrogation of the accused should be reflected in the CD file as well as in the General Diary. The said exercise shall be done by the Investigating Officer at once or twice during the daytime. Once the purpose of the interrogation is over, the accused shall be sent out from the police station without any further delay;

**[g]** On compliance of the above conditions for appearance of the accused all the conditions referred above shall stand relaxed;

**[h]** the petitioner shall not tamper with the evidence or witness either during investigation or trial;

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

**[j]** 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].**

**23-10-2026**

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To

1. State Of Tamilnadu Rep By Inspector Of Police, Pettai
   Police Station,
   Tirunelveli District.
   Crime No. 366/2026.

2.The Judicial Magistrate Court No.II, Tirunelveli.

3. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.



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**DR.P.MURUGAN, J.**
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