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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) Nos. 24159 and 24163 of 2026

CNR:{HCMD011530442026}

Ramesh

..Petitioner
in CRL OP(MD) No.24159 of 2026

Velmurugan

..Petitioner
in CRL OP(MD) No.24163 of 2026

Vs

The State of Tamil Nadu rep. by,
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Cr.No.864 of 2026.

..Respondent(s)

PRAYER: For bail in respect of Crime No.864 of 2026 on the file of the respondent police.

For Petitioner(s): Mr.M.Prabu

For Respondent(s): Mr.V.Shathurthi Raja
Government Advocate (Crl. Side)

COMMON ORDER

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 02.10.2026 for the offences punishable under

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Section 123 of BNS and Section 24(1) of COTPA Act, in Crime No.864 of 2026, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of the prohibited tobacco products for sale. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 02.10.2026. He would also submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and would submit that there are totally two accused in this case. As far as A1/petitioner in Crl.OP(MD)No.24163 of 2026 is concerned, there are two previous cases against him, which are similar in nature and as far as A2/petitioner in Crl.OP(MD)No.24159 of 2026 is concerned, there is no previous case against him.

5. Considering the gravity of the offences and the fact that the petitioner in Crl.O.P.(MD).No.24163 of 2026/A1 has two previous

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cases, which are similar in nature, Crl.O.P.(MD).No.24163 of 2026 is dismissed.

6. Considering the period of incarceration of the petitioner in Crl.O.P.(MD).No.24159 of 2026 and the fact that he has no previous cases, this Court is inclined to grant bail to the petitioner in Crl.O.P.(MD).No.24159 of 2026 subject to certain conditions.

7. Accordingly, the petitioner in Crl.O.P.(MD).No.24159 of 2026 is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti, and on further conditions that:

[a] the petitioner 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] On execution of the surety, the accused is directed to appear before the learned Judicial Magistrate No.II, Kovilpatti for 15 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;

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[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 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

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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].**

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To

1. The Judicial Magistrate No.II, Kovilpatti.

2. The Inspector of Police,
   Kovilpatti West Police Station,
   Thoothukudi District.

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

4. The Sub Jail, Kovilpatti.

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DR.P.MURUGAN, J.

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