



Crl.O.P.(MD)No.23033 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 05.01.2026

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD)No.23033 of 2025

1.Rakesh Sharma
2.AjeetKumar

...Petitioners

Vs.

The State of Tamil Nadu,
Represented by the Inspector of Police,
Gandhi Market Police Station,
Trichy District.
(Crime No.429 of 2025)

... Respondent

For Petitioners : Mr.B.Arun

For Respondent : Mr.S.S.Manoj
Government Advocate(Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Cr.No. 429 of 2025 on the file of the respondent police.

ORDER: The Court made the following order :-

The petitioners/Accused Nos.2 & 3, who were arrested and remanded to judicial custody on 25.11.2025, for the offences punishable under Sections 123



Crl.O.P.(MD)No.23033 of 2025

and 275 of BNS Act r/w. Section 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.429 of 2025, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and another accused were in possession of banned tobacco products of 800 - 2 - packets of Hans, 200 packets of Cool Lip, 100 pockets of Vimal and 200 packets of V1 Tobacco, totally 1300 packets and the properties were recovered by the respondent police. Hence, this case.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they have been arrested and are languishing in jail from 25.11.2025. Therefore, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed for grant of bail on the ground that the investigation is still pending.

5.This Court has already granted interim bail to the petitioners and directed the petitioners to appear before this Court and to submit an



Crl.O.P.(MD)No.23033 of 2025

undertaking stating that the petitioners would not sell Cool Lip in future. The petitioners appeared before this Court and submitted the undertaking. They also understood the effects of Cool Lip. Therefore, considering the undertaking given by the petitioners, the interim bail already granted is made absolute. Therefore, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail, on conditions that,

a)the petitioners shall report before the respondent police daily at 10.30 a.m., for two weeks and thereafter, as and when required for interrogation, until further orders;

b)the petitioners shall not tamper with evidence or witness;

c)the petitioners shall not abscond during trial;

d)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



Crl.O.P.(MD)No.23033 of 2025

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].

e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

The sureties already produced by the petitioners before the Judicial Magistrate No.5, Tiruchirappalli, shall hold good.

05.01.2026

TMG

TO

1.The Judicial Magistrate No.5,
Tiruchirappalli.

2. The Central Prison,
Trichy.

3.The Inspector of Police,
Gandhi Market Police Station,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.23033 of 2025

S.SRIMATHY,J

TMG

ORDER
IN
CRL OP(MD) No.23033 of 2025

Date : 05.01.2026