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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32345 of 2026

CNR: {HCMA012646472026}

Case QR

Prabhakaran
S/o Bose,
No.41/P, Ponnakkarai,
Devakottai,
Muppaiyur,
Sivaganga.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
15-Velampalayam Police Station,
Tiruppur District.
Crime No.429 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner accused on bail pending investigation in Crime No.429 of 2026 on the file of the respondent police.

For Petitioner(s): Mr.K.Kamal

For Respondent(s): Mr.M.M.I. Khaleel
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.10.2026 for the alleged offences under Section 123 of BNS Act and under Section 24(1) of Cigarettes and other Tobacco Products (COTPA) Act, 2023 in Crime No.429 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 419 kg of banned tobacco products. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case without any basis. It is submitted that the petitioner has been in judicial custody since 22.10.2026 and that the petitioner is ready to cooperate with the investigation. The learned counsel would further contend that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are two accused in this case and the petitioner is arrayed as A1. The petitioner along with other accused was found in possession of banned tobacco products and that ten previous cases are pending against him, all cases are Prohibition cases. However, he opposed to grant bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. Considering the submissions made by the learned counsel on both sides and the nature of the allegations, this Court is of the view that though ten previous cases are pending against the petitioner, all the cases are not similar in nature, taking into account the period of incarceration already undergone by him since 22.10.2026, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

7. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, on instruction, is ready and willing to deposit an amount of Rs.50,000/- (Rupees Fifty Thousand Only) as a non-refundable deposit to any welfare scheme of the Government or any other organization.

8. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as a non-refundable deposit by way of Demand Draft to the **Arignar Anna Memorial Cancer Hospital & Research Institute, Kancheepuram; Account Name: Tobacco Court Penalty Fund; A/c No.7417027486, IFSC Code – IDIB000K012; Branch : Kancheepuram,** and on such deposit and production of proof, the petitioner 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

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learned Judicial Magistrate Court – III, Tiruppur, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in acc with law as if the aforementioned 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)13 SCC 283];**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

05-11-2026

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate Court – III,
Tiruppur.

2. The Inspector of Police
15-Velampalayam Police Station,
Tiruppur.

3.The Superintendent,
Tiruppur District Jail,
Tiruppur District.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

CRL OP No. 32345 of 2026

05-11-2026

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