
(2025) 12 MAD CK 0011

Madras HC

Case No: Criminal Original Petition (MD) No. 23160 Of 2025

Alexpandian

APPELLANT

Vs

State Of Tamil Nadu

RESPONDENT

Date of Decision: Dec. 16, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023-Section 123, 269
- Indian Penal Code, 1860-Section 328
- Cigarettes And Other Tobacco Products (Prohibition Ofadvertisement And Regulation Of Trade And Commerce, Production, Supply And Distribution) Act, 2003-Section 24(1)

Hon'ble Judges: S.Srimathy, J

Bench: Single Bench

Advocate: P.Veerapandi, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 29.11.2025 for the offences punishable under Sections 123 of BNS (328 of IPC) and Section 24(1) Cigarette and Other Tobacco Products Act, in Crime No.713 of 2025 on the file of the respondent police. seeks bail.

2. The case of the prosecution is that the petitioner was found in illegall possession of 4.5 kgs of banned tobacco products. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and she is in judicial custody from 29.11.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are 9 previous cases pending against the petitioner and the property has been recovered. Hence,

he opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing 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 Judicial Magistrate Court No.II, Kovilpatti, Thoothukudi District, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the learned Judicial Magistrate No.II, Kovilpatti daily at 10.30 a.m., until further orders and thereafter, he shall do social service in the Government Hospital, Kovilpatti, daily and the petitioner shall report before the Inspector of Police, Kovilpatti East Police Station, Kovilpatti, daily at 05.30 p.m., until further orders.

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

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

[e] 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 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].

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