
(2025) 12 MAD CK 0012

Madras HC

Case No: Criminal Original Petition No. 34645 Of 2025

Rajkumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Dec. 17, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023-Section 125, 269, 275
- Cigarettes And Other Tobacco Products (Prohibition Of advertisement And Regulation Of Trade And Commerce, Production, Supply And Distribution) Act, 2003-Section 7(1), 7(2)

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: S. Vasavi Sridevi, A. Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 31.10.2025 for the offences punishable under Sections 123, 275 of BNS and Sections 7(1) and 20(2) of COTPA Act in Crime No.1104 of 2025, registered on the file of the respondent police, seeks bail. The earlier bail application of the petitioner was dismissed by this Court, vide order dated 24.11.2025 in CrI.O.P.No.32031 of 2025.

2. The allegation against the petitioner herein is that, the petitioner was found in illegal possession of 45 kilograms of banned tobacco products in his house, for the purpose of illegal sales to the general public. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he is in judicial custody since 30.10.2025; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that the petitioner has one previous case of similar nature; and that the investigation of this case is pending.

5. Considering the submissions made on both sides, facts and circumstances of the case, the contraband involved in this case was already seized and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, 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 learned Judicial Magistrate 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., for a period of four weeks and thereafter, as and when required for interrogation;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance 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];

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