

(2025) 12 MAD CK 0039

Madras HC

Case No: Criminal Original Petition No. 34203 Of 2025

Selvakumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Dec. 15, 2025

Acts Referred:

- Cigarettes And Other Tobacco Products (Prohibition Of advertisement And Regulation Of Trade And Commerce, Production, Supply And Distribution) Act, 2003-Section 6(b), 24(1)
- Bharatiya Nyaya Sanhita, 2023-Section 269

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: D.Thurumoorthy, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 23.11.2025, for the offence punishable under Sections 6(b) and 24(1) of COTPA Act, 2003 r/w.77 of Juvenile Justice Act, 2015 in Crime No.228 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession banned tobacco products viz., Hans Chaap Tobacco 300 grams-7 pockets, global pack more enjoyment cool lip 100.8 grams-4 pockets, global pack cool lip 102.6 grams -5 pockets . Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody since 23.11.2025. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner was found in possession of 3 kgs 8 grams of banned tobacco products. He further submitted that the petitioner has no previous case and the property has been recovered. However, he opposed for grant of bail to the petitioner.

5. Considering the period of incarceration and the fact that the petitioner has no bad antecedents and the property has been seized, 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 their 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 Special Judge for Exclusive Trial of Cases Under POCSO Act, Vellore, 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 three weeks and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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];

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