

TNMD010039332026



In the Court of the Principal Sessions Judge, Madurai.

Present : THIRU. M.SAISARAVANAN., M.L.,

Principal Sessions Judge, Madurai.

Monday, this the 6th day of July, 2026.

CrI.M.P.No.2922/2026

CNR No.TNMD010039332026

Krishnan Vaishnav @ Krishnakumar, S/o.Savji

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Avaniyapuram P.S. in Cr.No.259/2026

... Respondent/Complainant.

This e-petition coming on today for hearing before me in the presence of Thiru.R.Senthilkumar, Advocate for the petitioner and of Public Prosecutor for the State, this court passed the following:

Order

1. Anticipatory Bail application u/s 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Heard both sides.

3. The learned counsel for the petitioner/accused would submit that the respondent police has registered a case against the petitioner and others in Crime No.259/2026 for the offences u/s 24(1) of COTPA, 2003 and 123 of BNS. The petitioner is in no way connected with the offence alleged. The petitioner is innocent and he has not committed any offence as alleged. Co-accused are granted anticipatory bail / bail by the Hon'ble Madurai Bench of Madras High Court / this court. No similar petition is filed or pending before any superior courts. The petitioner apprehends arrest at the hands of police. The petitioner is ready to abide by any conditions that would be imposed by this Court and prayed to allow the petition.

4. The learned Public Prosecutor submitted that the defacto-complainant is the Sub-Inspector of Police, Avaniapuram P.S. On 08.06.2026, the defacto-complainant, while he was on patrol, arrested A1 for having unlawful possession of prohibited tobacco products intended for sale to public. A1 has given confession statement that he purchased the tobacco products in wholesale from the petitioner/A2 and sell in retail through A3 to A5. Accordingly, A1 to A5 are arrayed as accused in this case. The defacto-complainant

recovered 202 Kgs. of various brands of prohibited tobacco products from A1. The Hon'ble Madurai Bench of Madras High Court granted anticipatory bail to A3 and A4 as per orders dated 15.06.2026 / 19.06.2026 respectively and this court granted bail to A1 as per order dated 30.06.2026. The petitioner/A2 is the seller of prohibited tobacco products in wholesale. Investigation is pending and strongly objected to allow the petition.

5. Rival contentions are taken into consideration. The alleged offences against the petitioner/accused are u/s 24(1) of COTPA, 2003 and 123 of BNS. As per the case of the prosecution, A1 purchased prohibited tobacco products in wholesale from the petitioner/A2 and that while A1 was transporting the same for sale to A3 to A5, A1 was arrested by the defacto-complainant along with 202 Kgs. of various brands of prohibited tobacco products. Admittedly, the Hon'ble Madurai Bench of Madras High Court granted anticipatory bail to A3 and A4 as per orders in CrI.OP(MD)Nos.11077 & 11606/2026 dated 15.06.2026 / 19.06.2026 respectively and this court granted bail to A1 as per order in Cr.M.P.No.2943/2026 dated 30.06.2026. However, the learned Public Prosecutor vehemently objected to grant bail to the petitioner/A2 stating that the petitioner/A2 is the main accused and he is the wholesale seller of prohibited tobacco products. The native of petitioner/A2 is Rajasthan State. Custodial interrogation of petitioner is very much essential. It seems that if the petitioner is enlarged on anticipatory bail, he may abscond the process of law, which will hamper the investigation, which is still pending. Considering all these aspects, the specific overt act attributed against the petitioner, the seriousness of offences, the pending stage of investigation and the objections raised on the side of prosecution, this court is not inclined to grant anticipatory bail to the petitioner and accordingly, the petition is liable to be dismissed.

In the result, the petition is dismissed.

Pronounced by me in the Open Court on the 6th day of July, 2026.

Principal Sessions Judge,
Madurai

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