

TNMD010045042026



In the Court of the Principal Sessions Judge, Madurai.

Present : THIRU. M.SAISARAVANAN., M.L.,
Principal Sessions Judge, Madurai.

Monday, this the 13th day of July, 2026.

Crl.M.P.No.3275/2026

CNR No.TNMD010045042026

1. Velmurugan, S/o.Karuppaiah

2. Jothipandi, S/o.Kumaraiah

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Keerathurai P.S. in Cr.No.356/2026

... Respondent/Complainant.

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

Order

1. Bail application u/s 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Heard both side.

3. The learned counsel for the petitioners/accused submitted that the respondent police has registered a case in Crime No.356/2026 for the offences u/s 24(1) of COTPA, 2003 and 123 of BNS against the petitioners and another. The petitioners are in judicial custody for the past 10 days. The petitioners/A1 and A2 are in no way connected with the offences alleged. No similar petition is filed or pending before any superior courts. The petitioners are ready to abide by any conditions that would be imposed by this Court and that the petition is to be allowed.

4. Per contra, the learned Public Prosecutor submitted that the defacto-complainant is the Sub-Inspector of Police, Keerathurai P.S. On 03.07.2026, on receipt of credible information, the defacto-complainant rushed to the petty shop of A1 and found that he was in unlawful possession of prohibited tobacco products

at his shop, intended for sale to public. A1 has given confession statement that he used to purchase the said products from A2. The defacto-complainant recovered 4.305 Kgs. of various brands of prohibited tobacco products from the petty shop of A1. Then they arrived the petty shop of A2, where he stocked prohibited tobacco products for sale, which were purchased by him from A3. The police team recovered 32.345 Kgs. of various brands of prohibited tobacco products from the petty shop of A2. A3 is still absconding. Investigation is pending and objected to allow the petition.

5. Rival contentions are taken into consideration. The alleged offences against the petitioners/A1 and A2 are u/s 24(1) of COTPA, 2003 and 123 of BNS. As per the case of the prosecution, the petitioner/A1 was found in unlawful possession of 4.305 Kgs. of various brands of prohibited tobacco products intended for sale to public, which are alleged to have purchased from A2, further, the defacto-complainant recovered 32.345 Kgs. of various brands of prohibited tobacco products from the petty shop of A2, which are alleged to have purchased by A2 from A3. The petitioners were roped into this case on the basis of their own confession statement. The defacto-complainant is the Sub-Inspector of Police. All other witnesses are official witnesses and there is no chance for tampering the evidence. The petitioners are in custody for 10 days. Material part of investigation ought to have been completed by this time. No previous case is brought to the knowledge of this court against the petitioners. Considering the above facts, the duress period of petitioners and the facts and circumstances of the case, this court is inclined to grant bail to the petitioners on conditions.

In the result, the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.10,000/- each along with two sureties for a like sum each to the satisfaction of Judicial Magistrate No.IV, Madurai subject to the following conditions:-

(i) After release, the petitioners shall appear and sign before the Inspector of Police, respondent police station **daily at 10.00 a.m. for a period of 30 days.**

(ii) The petitioners shall co-operate with the investigation and shall not threaten the witnesses and shall not cause hindrance to the pending investigation.

(iii) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.

(iv) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(v) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560.**

Pronounced by me in the Open Court on the 13th day of July, 2026.

Principal Sessions Judge,
Madurai

Copy to

1. The J.M.No.4. Madurai.
2. The Inspector of Police, Keerathurai P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioners through their counsel.