

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, PUDUKKOTTAI****PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,****Principal Sessions Judge, Pudukkottai.****Saturday the 07<sup>th</sup> day of March, 2026**

Criminal Miscellaneous Petition No:518/2026

{CNR No.TNPD01-0009342026}

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Nijam Moideen, S/o. Jamal Ravuthar.

.....Petitioner/Accused

/Versus/

State of Tamil Nadu represented by Sub Inspector of Police,

Athanakkottai Police Station,

Cr.No.16/2026.

...Respondent/Complainant

This petition coming on this day before me for hearing in the presence of Thiru.Solai.Muthaiah, Learned Advocate appearing for the Petitioner and the Learned Public Prosecutor Thiru.B.Venkatesan, on behalf of the Complainant and this Court passed the following,

**ORDER**

This petition is filed by the petitioner U/s. 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2023, praying for bail.

Notice was issued. Reply was filed by the prosecution.

The Learned Counsel for the petitioner submits that the petitioner is being charged for the offences U/s. 275, 123 of BNS r/w. section 6, 24(1) of COTPA Act 2003 in Cr.No.16/2026 of Athanakkottai Police Station and he has not committed any offences as alleged and he has been falsely implicated in this case. He further submits that the petitioner undertakes that he would not involve this kind of offence hereinafter and to that effect, the petitioner filed his affidavit. He further submits that this petitioner is in judicial custody from 18.02.2026 and he is ready to abide any condition imposed by this Court and hence, he seeks bail for the petitioner.

Per contra, the Learned Public Prosecutor represents that on 18.02.2026 the accused persons including this petitioner were found in possession of totally 225 packets of Hans near the Valavampatti bus stop, that the

accused was in habits of selling the said tobacco products to others to enrich themselves, and the properties were recovered, the accused person has one previous case in similar kind of nature. The investigation is still pending and hence, he opposed to release the petitioner on bail.

**With regard to bail**, this court relied upon a case law reported in AIR 1978 SC. 179 rendering by our Hon'ble Supreme Court of India in a case of "GURCHARAN SINGH Vs. STATE, wherein it has been held as follows:-

**"We may repeat the two paramount considerations, viz. likelihood of the accused fleeing from justice and his tampering with prosecution evidence relate to ensuring a fair trial of the case in a court of justice. It is essential that due and proper weight should be bestowed on these two factors apart from others. There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail."**

Rival submissions are taken into consideration. Perused the records. The accused persons including this petitioner are alleged that the accused were found in possession of totally 225 packets of Hans near the Valavampatti bus stop and the properties were recovered and he is in custody from 18.02.2026 and the accused person has one previous case in similar kind of nature. He further submits that the petitioner undertakes that he would not involve this kind of offence hereinafter and to that effect, the petitioner filed his affidavit. It seems that the investigation would have been almost completed by this time. By considering the above aspects, other facts and circumstances of the case, period of incarceration, in view of the decision cited supra, and in the absence of any serious objection on the side of the prosecution, this Court is inclined to grant bail to the petitioner with stringent conditions.

In the result, this Bail Petition is allowed with the following conditions:-

- 1) The petitioner is ordered to be released on bail on him executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousands only) with two sureties each for a like sum to the satisfaction of the Jurisdictional Magistrate,
- 2) The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and also submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their identity,
- 3) The petitioner shall stay at Kanniyakumari District and he shall report and sign before the Kanniyakumari Police Station daily at

10.30 a.m. for a period of 30 days (including holidays) the next day of his release, without fail and thereafter, as and when required for interrogation,

- 4) The petitioner shall not tamper with the prosecution witnesses and he shall be available for the trial as well. Further, he shall not misuse the liberty granted to him by indulging in any further offence and also not to leave the station either to abroad or other State without permission of this Court,
- 5) On breach of any of the above said conditions, the Jurisdictional Magistrate is entitled to take appropriate action against the petitioner in accordance with law as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala reported in (2005) AIR SC W 5560
- 6) If the petitioner thereafter abscond, a fresh FIR can be registered under section 269 of BNS and
- 7) The Station House Officer of Kanniyakumari P.S. is directed to send a report to this court as to compliance of reporting condition by the petitioner.

Pronounced by me in Open Court, this the 07<sup>th</sup> day of March ' 2026.

**Principal Sessions Judge,  
Pudukkottai.**

**Copy to**

The District Munsif cum Judicial Magistrate, Gandharvakkottai.

The Inspector of Police, Athanakkottai P.S.,

The Inspector of Police, Kanniyakumar P.S.,

The Superintendent, Central Prison, Trichy or the concerned Jail Authority where the petitioner is under Judicial custody now.

The Counsel for the petitioner.