

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE,
SALEM

Present: Tmt.S.Sumathy, M.L.,
Principal Sessions Judge,
Salem.

Tuesday, this the 10th day of March, 2026

CRIMINAL MISCELLANEOUS PETITION No.611/2026
(CNR.No.TNSA010012672026)

Muthukrishnan (22), S/o Namadurai ... Petitioner/Accused
No.1.

Vs

State by: The Inspector of Police,
Sooramangalam P.S.
Cr.No.30/2026.

... Respondent / Complainant.

This petition is filed on 07.03.2026 u/s 483 of BNSS, to grant bail to the petitioner.

This petition is coming on this day for hearing before me, in the presence of Thiru.B.Arun, Counsel for the petitioner and the Public Prosecutor for the respondent, after perusing the averments, this Court delivered the following:

ORDER

1) Heard both side and records perused. The petitioner is the accused in Cr.No.30/2026 of Sooramangalam PS. The petitioner, who was remanded to judicial custody on 19.01.2026 for the alleged offences u/sec.123 of BNS and sec.24(1) of COTPA Act, has come forward with this petition seeking to release him on bail.

2) The case of the prosecution is that on 19.01.2026 at about 16.30 hrs., when the defacto complainant and her police team were in vehicle check up near Mamangam Keel Board Service Road in Omalur – Salem National Highway, the petitioner and another accused illegally transported 125 kg of banned tobacco products namely 117 kg of 701 Tobacco and 08

kg of Cool Lip Tobacco in Maruthi Suzuku SX-4 car bearing registration No.TN 02 AQ 0258. Hence this case.

3) The learned Counsel for the petitioner has submitted that the petitioner has not committed any offence and he is falsely implicated in this case and this is the third application for bail. He further has submitted that the co-accused A-2 was already granted bail by the Hon'ble High Court, Madras in CrI.O.P.No.5808/2026 dated:06.03.2026 and produced a copy of the order for perusal of this Court. He further has submitted that the property was already recovered and for the past 51 days, the petitioner is in judicial custody and prayed to enlarge the petitioner on bail.

4) On the other hand, the learned Public Prosecutor has reiterated the facts of the case and submitted that there are totally two accused involved in the case and the petitioner is a history sheeter and he is having 02 previous cases and the investigation is pending, hence, he strongly objected to release the petitioner on bail.

5) In the stated circumstances, considering the fact that the co-accused A-2 has already been enlarged on bail by the Hon'ble High Court, Madras in CrI.O.P.No.5808/2026 dated:06.03.2026 and considering the submissions made by both side and the incarceration period of the petitioner, this Court is inclined to grant bail to the petitioner on the following conditions:

1. that the petitioner is ordered to be released on bail on his executing a bond for **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.II, Salem;
2. that the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass book to ensure their identity;

3. that the petitioner shall appear and sign before the respondent/police daily twice at 10.00 a.m., and 05.00 p.m., until further orders (for a minimum period of 30 days) and on further condition that he shall make available himself for interrogation as and when required by the investigation Officer;
4. that the petitioner shall not tamper with evidence or witness either during investigation or trial;
5. that the petitioner shall not abscond either during investigation or trial;
6. that on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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) AIR SCW 5560);
7. If the accused thereafter absconds, a fresh FIR can be registered u/sec.269 of BNS.

In the result, this petition is allowed.

Pronounced by me in Open Court, this the 10th day of March, 2026.

Principal Sessions Judge,
Salem.

Copy to the Judicial Magistrate No.II, Salem.

Copy to the Supdt. of Jail in which the accused is confined.

Copy to the Inspector of Police, Sooramangalam P.S.