



IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI.

PRESENT: Tmt. K.Arivoli., M.A., M.L.,

Principal Sessions Judge, Sivagangai.

Tuesday, the 10th day of March - 2026

Cr.M.P.No.489/2026

(CNR No.TNSV01000839-2026)

Naina Mohamed Sallarai, (Age 54) S/o.Mohamed Ibrahim,
No.104, Muthanenthal, Manamadurai Taluk, Sivagangai District.

. . . Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Thiruppachethi Police station
(Cr.No.44/2026)

. . . Respondent/Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.S.Adisivam, Advocate for the Petitioner and Thiru.A.Alagarsamy, Public Prosecutor for the State, after hearing both sides and perusing the written reply submitted by the respondent and records, this Court delivers the following :

ORDER:-

1. The petitioner, who is in judicial custody for the offences charged u/s.275, 123 of B.N.S and 24(1) of COTP Act in Crime No.44/2026 of the respondent police since 04.03.2026 is seeking for his release on bail u/s.483 of B.N.S.S.

2. According to the petitioner, he is the sole accused in the crime number and as against him, allegations have been levelled by the *defacto* complainant alleging that the petitioner is found to be in possession of 20 bundles of Ganesh Tobacco, 26 bundles of Cool Lip product for selling the same to the general public and the amount of Rs.15,000/- from selling tobacco. According to the petitioner, he is innocent and he has not committed any offence as alleged by the prosecution. The petitioner has given undertaking that he would never abscond nor tamper or hamper the witnesses and ready to abide by any condition imposed by the Court and willing to produce



sufficient solvent sureties to the satisfaction of the Judicial Magistrate. Hence, the Petitioner prays for considering his bail application.

3. The respondent filed his detailed objections in writing and the learned Public Prosecutor had submitted that investigation is still pending. In the event, if the petitioner is released on bail, he would abscond and may not appear before the Court by abiding the condition. He would indulge in similar offences and hence the Public Prosecutor strongly opposed the grant of bail application to the petitioner.

4. By considering the submissions of the parties and the fact that the petitioner is in custody from 04.03.2026 and the petitioner is the sole accused in this case and the alleged tobacco products have been recovered and no one has sustained injury to consume the same and the petitioner is not involved in any previous case. Considering the above circumstances and also period of incarceration suffered by the petitioner, this Court is inclined to consider the bail application of the petitioner with the following conditions.

In the result, ***the petition is allowed*** and the petitioner is ordered to be released on bail on his executing bond for Rs.10,000/- with two sureties each of like sum to the satisfaction of the District Munsif *cum* Judicial Magistrate, Thiruppuvanam with a condition that the petitioner shall appear and sign before the Respondent Police Station daily morning at 10.00 a.m., and shall sign for 15 days and thereafter, shall appear on summons.

The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate while considering the sureties, shall obtain the copy of their Aadhar card or bank pass book to ensure their identity.



.3.

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The petitioner's photograph and Aadhaar Card with bank pass book copy shall also be obtained while considering the sureties.

The Petitioner shall make himself available for interrogation by the respondent police Officer as and when required for enquiry.

The Petitioner 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 from disclosing such facts to the court or to any Police Officer. That the petitioners shall not leave the State of Tamil Nadu without prior permission of the learned Judicial Magistrate. The Petitioner shall not commit further offences of similar nature and shall appear before the respondent police station as and when required.

The Petitioner shall co-operate for early disposal of the matter.

On breach of the aforesaid conditions, the learned Judicial Magistrate, before whom the case is pending is at liberty to initiate / take appropriate action against the petitioner in accordance with law as laid down in the judgment of Hon'ble Supreme Court in P.K.Shaji Vs. State reported in AIR 2005 SCW 5560.

In the event, if the petitioner absconds, a fresh F.I.R shall be registered u/s.269 of IPC.

Given by me, this the 10th day of March – 2026.

Principal Sessions Judge,
Sivagangai.

Copy to :

1. The District Munsif *cum* Judicial Magistrate, Thiruppuvanam.
2. The Public Prosecutor, Sivagangai.
3. The Inspector of Police, Thiruppachethi Police Station.
4. Counsel for the Petitioner.

10.03.2026

Principal District Judge, Sivagangai