

In the Court of Sessions, Tirunelveli Division
Before the Principal Sessions Judge, Tirunelveli.
PRESENT : **Thiru.N.VENKATAVARADAN, B.L.,**
PRINCIPAL SESSIONS JUDGE, TIRUNELVELI

Tuesday, the 23rd day of June 2026.

Cr.M.P.No.2653/2026

(CNR No.TNTL 0100 5085 2026)

Josekumar @ Eli, S/o.Poodurai.

...Petitioner/Accused.

/Versus /

State: The Inspector of Police,
Mukkudal P.S
Cr.No.201/2026.

...Respondent/Complainant.

Petition dated:16.06.2026 filed U/s. 483 of BNSS prays to grant bail.

This petition is coming on this day for hearing before me, in the presence of
THIRU.S.LAKSHMANAN, Advocate for the petitioner and
THIRU.K.SUBRAMANIAN, the Public Prosecutor for the respondent and upon
hearing both sides arguments, this Court passed the following :

ORDER

The petitioners/accused were arrested and remanded to judicial custody on
22.04.2026, for the alleged offences under Sections.123 of BNS,4(1)(i) and 4(1)(A)
of TNP Act, 6(a),24(1) COTPA Act, registered by the respondent police seeks bail.

The petitioner states that he has been accused for the alleged offences under
section 123 of BNS,4(1)(i) and 4(1)(A) of TNP Act, 6(a),24(1) COTPA Act in
Cr.No.201/2026 by the Respondent Police. The Petitioner further states that, he is
innocent and he has not committed any offence. It is stated that the petitioner was in
possession of banned tobacco and also liquor bottles and was found by police in a
regular vehicle check up on 22.04.2026 at about 14.15 p.m. The petitioner states that
he is innocent and ready to abide by any conditions. Therefore, seeks to enlarge him
on bail.

The Respondent/prosecution filed objections stating that, it is a case of possession
of liquor bottles without license and also banned tobacco product which was harm to
the public health when consuming and thereby committed this offence. The petition

having 10 previous cases and the investigation is pending. If the petitioner is released on bail, he will indulge in similar offences and tamper with the witnesses. Therefore, Respondent objected to release the petitioner on bail.

The point for consideration is: Whether the petitioner is entitled to the relief of Bail as prayed for?

Point: Heard both sides. The petitioner has been arrested for alleged possession of banned tobacco and the liquor bottles without license and he is custody for the past 63 days. Though the prosecution objected that 10 previous case is pending. Taking into consideration of the period of incarceration, this court is inclined to grant bail to the petitioner subject to the following condition.

- i) that the petitioner is ordered to be enlarged on bail on executing his bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate,Cheranmahadevi;
- ii) 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;
- iii) **that the petitioner shall report and sign before the respondent police daily at 10.00 a.m., for a period of one month** and further respondent police is directed to submit the report, deviations if any committed by the petitioner in observing the above condition. On further condition that he shall make available himself for interrogation as and when required by the investigation Officer ;
- iv) that the petitioner shall not tamper with evidence or witness either during investigation or trial;
- v) that the petitioner shall not abscond either during investigation or trial ;
- vi) 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) ;

vii) If the accused thereafter absconds, a fresh FIR can be registered U/S.269 BNS.

Pronounced by me in open court, this the 23rd day of June 2026.

PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.

Copy To:-

The Judicial Magistrate, Cheranmahadevi .

The Public Prosecutor, Tirunelveli.

The Inspector of Police, Mukkudal P.S

The Superintendent, Central Prison, Palayamkottai.

The Counsel for petitioner.