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Crl.O.P.No.31560 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31560 of 2024

Siva Alias Kathirvel Subramaniyan
S/o. Subramaiyan, No 2 4th Street Bakthavachalam
Nagar Alanthur, Chennai 600 114

Petitioner(s)

Vs

State Of Tamil Nadu Rep By Its, The Inspector Of
Police
H-4 Korukkupet Police Station, Chennai. Crime No.
571/ 2024.

Respondent(s)

For Petitioner(s):

S.Gunasekar
M.K.Yukanth
S. SUDHAKAR
K. Purushothaman,
N.Nithya Raj
S.Sarath Kumar

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 132 and 351(3) of BNS 2023 and Section 45 and 46 of TN City Police Act, 1888 in Crime No.571 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that on 27.11.2024, based on the order of Assistant Commissioner of Police, Washermenpet range, the defacto complainant and his police officials were conducting inspection regarding illegal gambling. On inspection, they found that the accused persons were illegally gambling using cards in a building, which is used as an recreational club for illegal gambling and when the respondent police tried to apprehend them, the accused persons abused and threatened the defacto complainant with dire consequences and prevented him from discharging his official duty. Thereafter, they arrested 15 accused persons and handed over to the respondent police and based on their confession, the petitioner herein, who is the cashier of the club, has been arrayed as an accused. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner has no previous case and also ready to produce solvent sureties and to abide with any conditions that may be imposed by this Court, therefore, he prayed for grant of anticipatory bail to the petitioner.



4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner, stating that the petitioner along with other accused persons had involved in illegal gambling with cards in a building, which is used as an recreational club for illegal gambling and further, abused and threatened the defacto complainant and his police officials with dire consequences. He further submitted that the petitioner herein acted as a cashier of the said club and he has no previous case.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the nature of offence and the fact that the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned XV Metropolitan**



Magistrate, G.T., at Chennai on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on



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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].

[f] If the accused thereafter absconds, a fresh FIR can be
registered under Section 269 of B.N.S.

18.12.2024

stn

To

1. State Of Tamil Nadu Rep By Its, The Inspector Of Police
H-4 Korukkupet Police Station,
Chennai.
Crime No. 571/ 2024.

A.D. JAGADISH CHANDIRA, J.



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