



CRL OP(MD). No.23155 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.23155 of 2024

Ganesan,

... Petitioner/ Accused rank not known

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Vathalai Police Station,
Trichy District.
Crime No.169 of 2024..

... Respondent/ Complainant

For Petitioner : Mr.N. Balasubramanian,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 169 of 2024 on the file of the respondent Police.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.23155 of 2024

ORDER : The Court made the following order :-

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 5, 7 (3) of the Lotteries (Regulation) Act, 1998, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner illegally sold the banned lottery tickets. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) fairly submits that there is only one previous criminal case pending against the petitioner similar in nature and only based on the confession statement of the co-accused, the petitioner has been implicated in this case and the co-accused has already been released on bail. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.



CRL OP(MD). No.23155 of 2024

WEB COPY

6. Considering the rival submissions on either side and the nature of offences charged against the petitioner, the fact that only based on the confession statement of the co-accused, the petitioner has been implicated in this case, that the co-accused has already been released on bail and that though the petitioner has previous case, he was granted bail in that case, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to execute bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Musiri, Trichy District, and on further conditions that:

[b] the petitioner shall report before the respondent police every Saturday, for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned Judicial



CRL OP(MD). No.23155 of 2024

WEB COPY

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].

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

sd/-
27/12/2024

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM

TO

1. The Judicial Magistrate, Musiri, Trichy District
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Vathalai Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD). No.23155 of 2024

ORDER
IN
CRL OP(MD) No.23155 of 2024
Date :27/12/2024

RK/SKN (02/01/2025) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023