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Crl.O.P.No.842 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.842 of 2025

Arsath

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Anandapuram Police Station,
Villupuram District.

(Crime No.384 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of the arrest pending investigation in Crime No.384 of 2024 on the file of respondent Police.

For Petitioner : Mr.G.Saravanabhavan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

Apprehending arrest in connection with Crime No.384 of 2024 registered for the offences punishable under Sections 112(2), 318(4) of BNS read with Sections 5 and 7(3) of Tamil Nadu Lottery Regulation Act, the present petition has been filed seeking anticipatory bail.



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2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready and willing to abide by any stringent conditions that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police while opposing for grant of anticipatory bail to the petitioner is that the petitioner was found in possession of 32 numbers of banned lottery tickets. He would further submit that the petitioner has no previous case pending against him.

4. Having heard the learned counsel for the petitioner and the



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learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 of receipt of a copy of this order, before the learned Judicial Magistrate at Gingee, on condition that the petitioner shall execute a 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, every Saturday at 10.30 a.m, until further orders;

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



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[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 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];

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

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To

1. The Inspector of Police,
Anandapuram Police Station,
Villupuram District.
2. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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