



CRL OP NO. 1525 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1525 of 2025

Vengatesh @ Venkatesh R, M/A43
S/o. Rajendran
12.VVCR Nagar 2,
Erode- 638001

Petitioner(s)

Vs

The State Rep.By, The Inspector Of Police,
Bhavani Police Station,
Erode District ,(Crime No. 42 of 2025)

Respondent(s)

For Petitioner(s): Mr. R Nagaraj, Mr. C.S Saravanan

For Respondent(s): Mr. S.Santhosh, Government Advocate (Criminal Side).

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 112, 318(4) of the Bharatiya Nyaya Santiya, (BNS) 2023 and Section 5 r/w 7(3) of Lotteries Regulation Act, 1998, in Crime No.42 of 2025 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner was found selling banned lottery tickets illegally. Hence, the complaint.

3. Learned counsel for the petitioner submits that the petitioner is an innocent person and has been falsely implicated in this case. He further submits that without prejudice to his rights, the petitioner is ready to abide by any conditions and also willing to deposit a non-refundable amount to any charity or organisation, as may be directed by this Court. Therefore, he prays that anticipatory bail be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed for granting anticipatory bail to the petitioner. He further submits that the petitioner sold banned lottery tickets to gullible people by giving false assurance that they will win the prize. Further, he submitted that the petitioner has no previous cases pending against him.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondent and perused the materials available on record.



6. Taking into consideration the facts and circumstances of the case and this Court is inclined to grant anticipatory bail to the petitioner. However, taking into consideration the voluntary submission made by the petitioner offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioner may be directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of **"The Tamil Nadu Advocate's Clerk's Association, Account Number : 484026006, IFSC Code : IDIB000M157, Indian Bank, Madras High Court Branch"**, without prejudice to his rights and contentions before the trial Court.

7. It is made clear that merely because the petitioner is depositing the amount, it would not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

8. Accordingly, the petitioner shall make a non refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only)** by way of Demand Draft/RTGS/



Account Number : 484026006, IFSC Code : IDIB000M157, Indian Bank,

"Madras High Court Branch", and on such deposit and on receipt of proof of

payment, 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 Judicial Magistrate No.1, Bhavani,*

on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-

(Rupees Ten Thousand only) with two sureties 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 conditions that:

[a] 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.

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

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

[d] 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 was 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]**;

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

24-01-2025

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To

1. The State Rep.By, The Inspector Of Police,
Bhavani Police Station,
Erode District ,(Crime No. 42 of 2025)



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A.D. JAGADISH CHANDIRA, J.

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