



CRL OP NO. 1493 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. 1493 of 2025

SIVAKUMAR

S/o.Mogili, No.18/135A, Narayanasamy Street,
Gudiyatham Town, Vellore District.

Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
Gudiyatham Town Police Station, Vellore District.
Cr.No.799/2024.

Respondent(s)

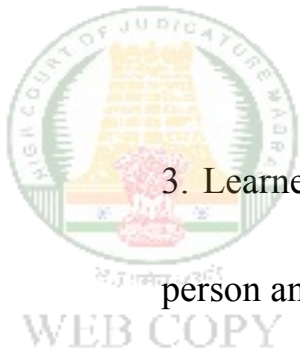
For Petitioner(s): Mr. E Kannadasan

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 Section 318(4) of the Bharatiya Nyaya Santiya, (BNS) 2023 r/w Sections 5 and 7(3) of Lotteries Regulation Act, 1998, in Crime No.799 of 2024 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 he has been falsely implicated in this case. The petitioner has no way connected with the offence as alleged by the prosecution. He further submits that the petitioner is ready to abide by any conditions that may be imposed 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 states that the petitioner induced the de-facto complainant to invest in lottery business through a lottery mobile application and thereby cheated the de-facto complainant. Further, he submitted that the petitioner has no previous cases pending against him. He also submits that similarly placed co-accused has already been granted anticipatory bail by this Court in CrI.OP.No.114 of 2025.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. 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. 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 Judicial Magistrate, Gudiyatham*, 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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