



Crl.O.P.No.1910 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.1910 of 2025

Attharam Rahman @ Attharam
M/A 42 years, S/o. Kaja Moideen

...Petitioner

Vs

The State Rep by, The Inspector of Police,
Thirupalaivanam Police Station,
Avadi City Police
(Crime No.261 of 2024)

...Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., 2023, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.261 of 2024 on the file of the respondent police.

For Petitioner : Mr.R. Sasikumar

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate [Criminal side]



ORDER

WEB COPY

The petitioner / Accused-5, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 7(3) of Lotteries Regulation Act, 1998 r/w 112, 336, 318 of BNS, in Crime No.261 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused involved in selling online Kerala number lottery through WhatsApp groups, which is banned by State Government, and collected money through phone-pay and thereby cheated the public.

3. Learned counsel for the petitioner would submit that a false case has been foisted against him and he has been falsely implicated in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that on the date of occurrence, A1 to A3 and A7 to A9 were arrested; that A2 to A6 are retailers and A1, A7, A8 and A9 are the main dealers and they used get the tickets and give it to the other accused for selling the same and



that there are no previous cases pending against petitioner.

WEB COPY

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

6. Considering the nature of allegations, there is no previous case against the petitioner and since the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner on 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Ponneri**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall



stand dismissed and on further conditions that:

WEB COPY

[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.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

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

[f] 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].

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



WEB COPY



CrI.O.P.No.1910 of 2025

07.02.2025

bga

To

- 1.The Judicial Magistrate No.II, Ponneri.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police,
Thirupalaivanam Police Station,
Avadi City Police
(Crime No.261 of 2024)



WEB COPY



CrI.O.P.No.1910 of 2025

SUNDER MOHAN. J.,

bga

CRL O.P. No.1910 of 2025

07.02.2025