



Crl.OP.No.5043 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5043 of 2025

Sathish

.. Petitioner

Vs.

The State rep by
The Sub-Inspector of Police,
Virinchipuram Police Station,
Vellore District.
(Crime No.371 of 2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest in Crime No.371 of 2024 on the file of the respondent Police.

For Petitioner : M/s.Thangavel M R

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

ORDER

This is the second anticipatory bail application filed by the petitioner
before this Court.



2. The earlier anticipatory bail application filed by the petitioner was dismissed as withdrawn before this Court on 09.01.2025.

3. This criminal original petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(3) of the Tamil Nadu Gaming and Police Laws Act 1930 (Amendment 2021) and Section 318(4) of BNS, 2023 in Crime No.371 of 2024, seeks anticipatory bail.

4. The case of the prosecution is that the co-accused induced the defacto complainant to engage in gambling and the petitioner is sought to be implicated on the confession of the co-accused.

5. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is sought to be implicated on the confession of co-accused; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.



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6. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that there are five previous cases pending against the petitioner and he is on bail in those cases.

7. Though the earlier anticipatory bail application was dismissed as withdrawn, the petitioner has not been arrested so far. Considering the nature of allegations, the petitioner is on bail in the other cases and the petitioner is sought to be implicated on the confession of the co-accused, and since, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 is made ready, before the **learned Judicial**



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Magistrate-IV, Vellore, 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 condition that:

[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.

[b] the petitioner shall report before the respondent police once a week at 10.30 a.m., until further orders.

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

[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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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]**;



CrI.OP.No.5043 of 2025

[f] If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 BNS.

28.04.2025

Index : Yes / No

Internet : Yes / No

dpa

To

1.The Sub-Inspector of Police,
Virinchipuram Police Station,
Vellore District.

2.The learned Judicial Magistrate-IV, Vellore

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.



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