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CRL O.P. No.2936 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.2936 of 2025

Settu S/o. Dasthagir

... Petitioner / Accused-3

Vs

State rep. by:-

The Sub-Inspector of Police,
Vellore South Police Station,
Vellore District.

... Respondent

[Cr. No.434 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in

Crime No.434 of 2024 on the file of the respondent police.

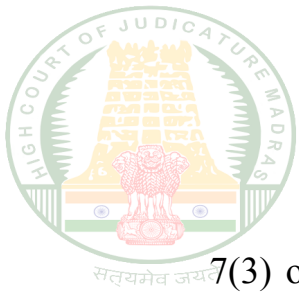
For Petitioner : Mr. Thangavel M.R.

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused-3, who apprehends arrest in the hands of
the respondent police for the offence punishable under Sections 5 and

1/6



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7(3) of Lotteries Regulation Act, 1998 and Section 318(4) of B.N.S. in connection with the case in Crime No.434 of 2024 , seeks anticipatory bail.

2. The case of the prosecution is that on assurance that prize winner and the lucky winner will be given prize amount of 70 times of paid money and that the defacto complainant paid Rs.1/- and was not allotted prize as assured.

3. Learned counsel for the petitioner would contend that the petitioner is an innocent; that he has been falsely implicated in this case; that the allegations are false; that the petitioner is not a named accused in the FIR and only based on the confession statement of co-accused, this petitioner has been arrayed as an accused in this case; that two FIRs were registered on the same day and in one case, anticipatory bail was granted; and that custodial interrogation of the petitioner is not required and hence prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that this petitioner is A3; and that the



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petitioner has 14 previous cases. However, the learned Government Advocate has fairly admitted that some of the cases were disposed of and the petitioner is in bail in all other previous cases.

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, that fact that the petitioner is on bail in all other previous pending cases and since the custodial interrogation of the petitioner is not required for the purpose of investigation, 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.I, Vellore** on condition that the petitioner shall



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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:

[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 everyday 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



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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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

10.02.2025

mjs

To

- 1.The Judicial Magistrate No.I, Vellore.
2. The Public Prosecutor, High Court, Madras.
- 3.The Sub-Inspector of Police, Vellore South Police Station, Vellore District.

SUNDER MOHAN. J.,

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