



CRL OP NO.4029 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.04.2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.4029 of 2025

S.Madhaiyan @ M.G.Nath

Petitioner/A3

Vs

State Rep By,
The Inspector Of Police
Bhavani Police Station,
Erode District.
(Cr.No.724 of 2024)

Respondent(s)

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.724 of 2024 on the file of the respondent
police.

For petitioner(s): Mr.Vijaya Kumar

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

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 318(4) of
the BNS Act r/w Section 7(3) of the Lotteries Regulation Act, 1998 in
Crime No.724 of 2024, on the file of the respondent police, seeks



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anticipatory bail.

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2.This is the second anticipatory bail petition. The case of the prosecution is that the petitioner was found in possession of banned lottery tickets and hence a case was registered.

3.The learned counsel appearing for the petitioner would submit that the banned lottery was not seized from the petitioner, it was seized from co-accused Ravi; that he has been implicated on the confession of co-accused; and thus prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner has seven previous cases; that pursuant to the order passed in the earlier bail application which was dismissed as withdrawn on 02.01.2025; respondent has now filed a final report.

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



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6. Though the earlier anticipatory bail petition was dismissed as withdrawn, the respondent Police has not chosen to arrest the petitioner so far. The respondent has now filed a final report. The petitioner is on bail in the earlier cases. This Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation at this stage. Hence, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before **the learned Judicial Magistrate - I, Bhavani** on condition that the petitioner shall execute a separate 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 condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and



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the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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[b] the petitioner shall report before the respondent police every day 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 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

24.04.2025

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To

1. The Inspector Of Police
Bhavani Police Station,
Erode District.
2. The Judicial Magistrate - I, Bhavani.

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3. The Public Prosecutor,
High Court Madras.

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