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Crl.O.P.No.3292 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3292 of 2025

1. N. Baskar

2. B. Sathishkumar

Petitioner(s)

Vs

State rep. by The Inspector of Police,
Sooramangalam Police Station, Salem District
(crime No. 26 of 2025)

Respondent(s)

For Petitioner(s): Vasudevan Bramalingam

For Respondent(s): Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 7(3) of Lotteries Regulation Act and Sections 112 and 318(4) of BNS 2023 in Crime No.26 of 2025, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that, while the respondent police were conducting inspection, they found that the accused person/ A1 was in possession of banned lottery tickets; that upon interrogating A1, he confessed that the petitioners herein and other accused instigated and engaged him to sell the Kerala lottery tickets. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, based on the confession of the co-accused; that the petitioners had never committed any offence as alleged by the prosecution; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioners, stating that the petitioners along with other accused was involved in illegal sale of banned lottery tickets, that the first petitioner



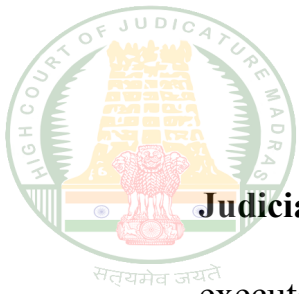
herein/ Baskar has seven previous cases registered in the year from 2011 to 2017 and the second petitioner herein/ Sathishkumar has no previous cases; and that the investigation is pending.

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

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the second petitioner has no previous cases and the first petitioner is on bail for the other cases registered against him and since, custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned**



Judicial Magistrate No.2, Salem on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent police everyday at 10:30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions,



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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].

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

10.02.2025

stn

To

1. State rep. by The Inspector of Police,
Sooramangalam Police Station,
Salem District
(Crime No. 26 of 2025)



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SUNDER MOHAN, J.

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