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Crl.O.P.No.3982 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.3982 of 2025

P.Nanjappan

...Petitioner /Accused – 2

Vs.

The State Represented by
Inspector of Police,
Kotagiri Police Station,
Nilgiris District.
(Crime No.8 of 2025)

...Respondent/Complainant

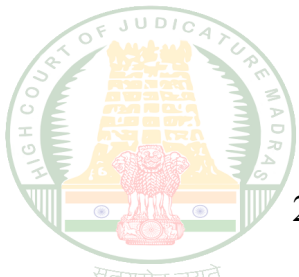
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.8 of 2025 on the file of the Inspector of Police, Kotagiri Police Station, the Niligiris.

For Petitioner : Mr. Sriram A

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

ORDER

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5 and 7(3) of the Lotteries Regulation Act, 1998, in Crime No.8 of 2025 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that, on 16.01.2025, the respondent police on their regular patrol duty found that the accused were selling the banned lottery tickets that were obtained from the petitioner herein. Hence, the case.

3. Learned counsel appearing for the petitioner/A2 submitted that the petitioner is an innocent person; he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case on the confession of co-accused; and that no lottery tickets were seized from this petitioner. He further submitted that the petitioner is a law-abiding citizen and shall abide by any conditions that may be imposed by this Court and therefore, he prayed to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner was implicated based on the confession of the co-accused; and that one previous case is pending against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of offence, and also considering the fact that the petitioner was implicated based on the confession of a co-accused, no lottery tickets were seized from the petitioner, the fact that the petitioner was granted bail



in the previous case, and since the custodial interrogation of the petitioner is not required for the purpose of the investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

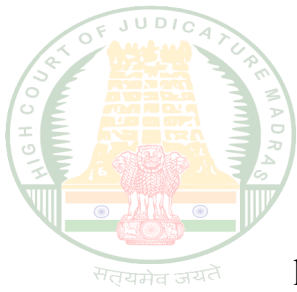
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate Kotagiri**, on condition that the petitioner shall execute 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 said Magistrate, on further condition that:

[a] 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 abscond either during investigation or trial;

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



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[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.

17.02.2025

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To

- 1.The Judicial Magistrate, Kotagiri.
- 2.The Inspector of Police, Kotagiri Police Station, Nilgiris District.
- 3.The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN,J.
dk

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