



Crl.OP.No.11319 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

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Elangovan ... Petitioner(s) /Accused 2

Vs.

State represented by
The Inspector of Police,
Kannankurichi Police Station,
Salem District.
Crime No.12 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail, in the event of his arrest in Crime No.12 of 2025 on the file of the The Inspector of Police, Kannankurichi Police Station, Salem District.

For petitioner(s) : Mr.B.Vasudevan

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



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ORDER

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

2. Though the earlier anticipatory bail petition of the petitioner was disposed of by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 7(3) of the Lotteries Regulation Act, 198, in Crime No.12 of 2025 seeks anticipatory bail.

4. It is the case of the prosecution that, co-accused was found selling banned lottery tickets to the public and the petitioner was implicated based



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on the confession of the co-accused. Hence, the case.

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5. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that though the earlier anticipatory bail application was dismissed by this Court in Crl.O.P.No.634 of 2025 on 24.01.2025, the petitioner has not been arrested so far; and that considering the nature of allegations and the stage of investigation, the petitioner may be granted anticipatory bail.

6. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioner.

7. Though the earlier anticipatory anticipatory bail application was dismissed by this Court in Crl.O.P.No.634 of 2025 on 24.01.2025, the petitioner has not been arrested so far. Considering the aforesaid facts, the fact that the co-accused has been arrested and released on bail, and since, custodial interrogation of the petitioner is not required for the purpose of



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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 **Judicial Magistrate No.4, Salem**, 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 appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either



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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 petitioners 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 BNS.

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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1. The Inspector of Police, Kannankurichi Police Station, Salem District.
2. The Public Prosecutor, Madras High Court, Chennai.
3. Judicial Magistrate No.4, Salem.

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SUNDER MOHAN, J.

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