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Crl OP No.4343 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4343 of 2025

Kichcha @ Krishnan

... Petitioner

Versus

State rep by
The Inspector of Police,
Sooramangalam Police Station,
Salem City.
Crime No.1722 of 2024.

... Respondent

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 Cr.No.1722 of 2024 on the file of the respondent police.

For petitioner : Mr.Vengadesan

For Respondent : 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 7(1) and 7(3) of Lotteries Regulation Act, r/w 112, 318(4) of BNS in Crime No.1722 of 2024, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner has acted as an agent and received money from the defacto complainant and handed over the same to the other accused for purchase of lottery tickets.

3. Learned counsel appearing for the petitioner would submit that the allegations are false that the petitioner sought to be implicated on the confession of the co-accused and no lottery tickets were seized from the petitioner and in any case, the custodial interrogation of the petitioner is not required and therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the petitioner had eight previous cases, out of which, two cases are similar in nature and that he was released on bail in those cases.

5. Considering the nature of allegations against the petitioner, since he is sought to be implicated on the confession of he co-accused and no lottery tickets were seized from him, this Court is of the view that the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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**

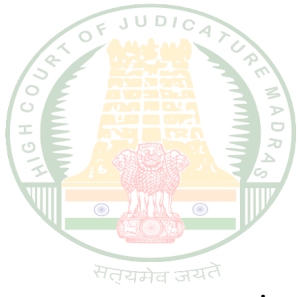
Magistrate No.II, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 is 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];**



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[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

19.02.2025

Vv

To

1. The Inspector of Police,
Sooramangalam Police Station,
Salem City.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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