



CRL O.P. No.5491 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 28.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5491 of 2025

Balasubramaniam @ Balaji

... Petitioner / Accused

Vs

State rep. by:-

The Inspector Of Police,
Ambur Town Police Station,
Thirupathur District.
[Cr. No.2 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.2 of 2025 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr. S. Santhosh
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the



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respondent police for the offences punishable under Sections 297(1), 318(4), 61(2), 336(2) and 112 of B.N.S. read with Sections 5, 7(3) of Lotteries Regulation Act in connection with the case in Crime No.2 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the named accused 1 to 4, entering into a conspiracy, conducted a fraudulent online lottery and cheated the public; that they were arrested; that their mobile phones were seized and that the petitioner was arrested on their confession.

3. The learned counsel for the petitioner would contend that the the allegations against the petitioner are false; that he is not a named accused in the FIR; that he has been falsely implicated based on the confession statement of co-accused; that lottery tickets and mobile phones were seized from the co-accused; that no seizure is made from this petitioner; and that in any case, the custodial interrogation of the petitioner is not required in this case and hence prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing



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for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions, submitted that the petitioner has no bad antecedents; and that the lottery tickets were seized from the co-accused and no recovery is made from this petitioner.

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

6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact that the co-accused were arrested and their mobile phones were seized; that the petitioner has been implicated, only based on the confession statement of co-accused; that the petitioner has no bad antecedent and since, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.



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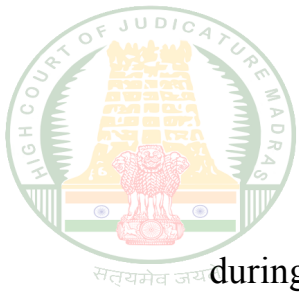
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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Ambur** on condition that 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 report before the respondent police as and when required for interrogation;**

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



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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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

28.02.2025

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To

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1. The Judicial Magistrate, Ambur.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Ambur Town Police Station, Thirupathur District.

SUNDER MOHAN. J.,

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