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Crl.O.P.No.5210 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5210 of 2025

Abdul Harif Basha

...Petitioner/A2

Vs.

The State Rep. by
The Inspector of Police,
E-1, Tirukoilur Police Station,
Kallakuruchi District,
Tamil Nadu – 605 757.
(Crime No.648 of 2024)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.648 of 2024 on the file of the respondent police.

For Petitioner : Mr.Lokesh .S

For Respondent : Mr.Leonard Arul Joseph Selvam
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 Lotteries (Regulation) Act, 1998 in Crime No. 648 of 2024, on the file of



the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that, on 28.11.2024 at about 11.00 hours, the respondent police on their regular patrol duty found A1 in possession of 19 numbers of banned lotteries and seized the same. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution; that he has been falsely implicated in this case on the confession of A1; and that no lottery tickets was 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 submitted that A1 was illegally selling banned Lottery tickets to the general public and on his confession, the petitioner was implicated in this case. Learned counsel further submitted that the



petitioner has 9 previous cases, out of which 5 are for similar offences and is on bail in all those case.

5. Considering the nature of allegations, the fact that the petitioner is sought to be implicated on the confession of the co-accused/A1, the fact that no lottery tickets were seized from the petitioner; that the petitioner is in bail in other cases, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. 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, Tirukoilur**, 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 learned Magistrate concerned, and on further conditions 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;



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- [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;
- [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*** reported in [(2005)AIR SCW 5560];
- [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

26.02.2025

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SUNDER MOHAN, J.

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To

1.The Inspector of Police,
E-1, Tirukoilur Police Station,
Kallakuruchi District,
Tamil Nadu – 605 757.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3.The Judicial Magistrate,
Tirukoilur.

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