



Crl.OP.No.5812 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

**DATED : 03.03.2025**

**CORAM**

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

**Crl.O.P.No.5812 of 2025**

A.Kumar

.. Petitioner

Vs.

The State rep by  
The Inspector of Police,  
Paparapatti Police Station,  
Dharmapuri District.  
(Crime No.38/2025)

.. Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the  
event of his arrest in Crime No.38 of 2025 on the file of the respondent  
Police.

For Petitioner : Mr.T.Balachandran

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 Section 7(3) of Lotteries



Regulation Act, 1998 in Crime No.38 of 2025, seeks anticipatory bail.

WEB COPY

2. The case of the prosecution is that the police party conducted a raid and found the petitioner standing with a mobile phone, surrounded by a crowd of people. Upon seeing the police, the petitioner dropped his mobile phone and fled from the scene of the occurrence. The mobile phone was seized, and it is alleged that the petitioner was using it to sell banned lotteries through the WhatsApp mobile application. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the mobile phone was already seized and in any case, custodial interrogation is not required. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and on instruction submitted that there are 7 previous cases pending against the petitioner. Hence, he opposed for grant of anticipatory bail.



Crl.OP.No.5812 of 2025

**WEB COPY** 5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit an amount of Rs.5,000/- as non-refundable deposit to any welfare scheme of the Government or any other organization. Hence, he prayed for grant of anticipatory bail to the petitioner.

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

7. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** as non refundable deposit to **“District Legal Services Authority, Dharmapuri District”**, without prejudice to the right of the defence before the Trial Court and making it clear that it would not amount to admission of guilt.



**WEB COPY** 8.Considering the nature of allegations against the petitioner, the fact that the mobile phone was seized from the petitioner; 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 with certain conditions.

9.Accordingly, petitioner is directed to make a non-refundable deposit of Rs.5,000/- directly to the credit of “District State Legal Services Authority, Dharmapuri District”, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, 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, Pennagaram, Dharmapuri District***, 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



Crl.OP.No.5812 of 2025

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 daily at 10.30 a.m., until further orders.**

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

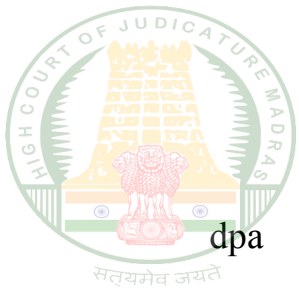
[d] the petitioner shall not abscond either during investigation or trial.

[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 absconds, a fresh FIR can be registered under Section 269 BNS.

**03.03.2025**

Index : Yes / No  
Internet : Yes / No



CrI.OP.No.5812 of 2025

WEB COPY

**SUNDER MOHAN , J.**

dpa

To

- 1.The Inspector of Police,  
Paparapatti Police Station,  
Dharmapuri District.
2. The Judicial Magistrate, Pennagaram,  
Dharmapuri District.
- 3.The Public Prosecutor,  
Madras High Court,  
Chennai.

**CrI.O.P.No.5812 of 2025**

**03.03.2025**