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CrI.O.P.No.6360 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.6360 of 2025

Sekar

... Petitioner /Accused No.2

Vs

State rep. by:-

The Inspector Of Police,
Thirukazhukundram Police Station,
Chengalpattu District.
[Cr. No.73 of 2025]

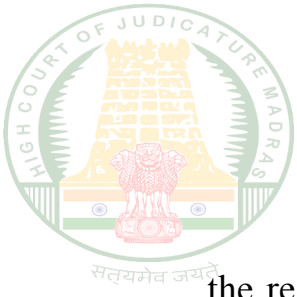
... Respondent

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.73 of 2025 on the file of the respondent police.

For Petitioner : Ms.S.Rithika

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

ORDER



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The petitioner / Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(4) of BNS, 2023 r/w Section 5 & 7(3) of the Lotteries (Regulation Act), 1998 in connection with the case in Crime No.73 of 2025, seeks anticipatory bail.

2.The case of the prosecution is that on 23.02.2025, the first accused was found in possession of banned lottery tickets for sale; that the confession statement of the first accused revealed that the petitioner was also involved in the said offence. Hence the case.

3.Learned counsel for the petitioner would contend that the petitioner is innocent and he is not connected with the alleged offence; that no recovery of material was made from the petitioner and he sought to be implicated as an accused based on the confession of the co-accused; that the material objects have been seized and custodial interrogation of the petitioner is not required and hence prayed for the grant of anticipatory bail.

4. Learned Government Advocate (CrI.Side) appearing for the



respondent police reiterated the case of the prosecution and submitted that the petitioner is sought to be implicated as an accused based on the confession statement of co-accused; that the contraband was seized and the petitioner has no bad antecedents.

5. Considering the nature of allegations, the fact that the lottery tickets have been seized and the petitioner is sought to be implicated as an accused based on the confession statement of co-accused; that the petitioner has no bad antecedents 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.

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 days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Thirukazhukundram, Chengalpattu** 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 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:

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[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.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[f] 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].



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[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The Judicial Magistrate, Thirukazhukundram, Chengalpattu.
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police,
Thirukazhukundram Police Station,
Chengalpattu District.

SUNDER MOHAN. J.,



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