



Crl.OP.No.11181 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11181 of 2025

Dhanarajan

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
(Crime No.376 of 2024)

.. 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 arrest in Crime No.376 of 2024 on the file of the respondent Police.

For Petitioner : M/s.K.Komala

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 and Section 318(4) of BNS in Crime No.376 of 2024, seeks



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anticipatory bail.

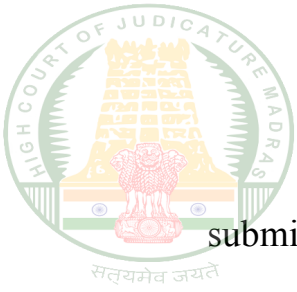
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2. The case of the prosecution is that, based on secret information, the respondent police found that the petitioner along with other accused were selling banned Lottery tickets.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; and that in any case, custodial interrogation is not required. He further submitted that this is the second anticipatory bail application and though the earlier anticipatory bail was granted, the petitioner could not execute sureties due to certain unavoidable circumstances; and prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that the petitioner had been granted anticipatory bail earlier.

5. At this juncture, the learned counsel for the petitioner would



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submit that the petitioner, without prejudice to his defence and contention, is ready and willing to deposit a further sum of Rs.10,000/-, in addition to the amount already deposited, as non-refundable deposit to the '**District Legal Services Authority, Salem District**'. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. Though the petitioner had not executed sureties in terms of the earlier order granted by this Court, he has not been arrested by the respondents so far.

7. Considering the voluntary submission, the reasons stated by the petitioner for not executing the sureties and the fact that the earlier petition stood dismissed for non-compliance, this Court is inclined to grant anticipatory bail to the petitioner with the certain conditions.

8. Accordingly, petitioner is directed to make a deposit of **Rs.10,000/- (Rupees Ten Thousand only)**, in addition to the amount already deposited, as non-refundable deposit to the '**District Legal Services**



Authority, Salem 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 ***Learned Judicial Magistrate No.2, Sankari***, 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 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, everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday 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;



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[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 B.N.S.

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Index : Yes / No

Internet : Yes / No

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To

1.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

2.The learned Judicial Magistrate No.2
Sankari.

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

SUNDER MOHAN , J.

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