WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01-04-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9572 of 2025

M. Selvam @ Thattukara Selvam
S/o. Manikam

....Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Kondalampatti Police Station,
Salem City.
(Crime No.78 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.78 of 2025 on the file of the respondent police.

For Petitioner : Mr. M. Vengadesan
For Respondent : Mr. S.Balaji
Government Advocate (Crl. Side)

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7(1) and 7(3) of Lotteries Regulation Act, r/w 112, 318(4) of BNS, in Crime No.78 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 24.02.2025, the first accused was found selling lottery tickets that were banned by the Tamil Nadu Government and that the confession of the first accused revealed the involvement of the other accused including the present petitioner. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has no connection with the said offence; that petitioner has been falsely implicated in this case; that the first accused was granted bail by the learned Judicial Magistrate, Salem; and that the petitioner is ready to provide solvent sureties and to abide by any conditions that may be imposed by this Court and prayed for grant of anticipatory bail to the petitioner.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner has previous cases similar in nature.

5. Considering the fact that contraband was seized from the co-accused; that the petitioner has been implicated based on the confession of the co-accused and that the co-accused was granted bail, 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.

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 on which the order copy made ready, before **the learned Judicial Magistrate No.I, Salem,** 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

https://www.mhc.tn.gov.in/judis

WEB COPY

learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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].

https://www.mhc.tn.gov.in/judis

WEB COPY

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

01.04.2025

bga

https://www.mhc.tn.gov.in/judis

WEB COPY

SUNDER MOHAN, J.

bga

To

1. The Judicial Magistrate No.I, Salem

2.The Inspector of Police,
Kondalampatti Police Station,
Salem City.

3. The Public Prosecutor,
High Court, Madras.

Crl.O.P. No.9572 of 2025

01.04.2025

https://www.mhc.tn.gov.in/judis