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Crl.O.P.No.10322 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.10322 of 2025

D.Sureshbabu,
S/o. Dhanapal.

Petitioner(s)

Vs

The Sub-Inspector of Police,
Bagayam Police Station,
Vellore District. (Crime No.64 of 2025)

Respondent(s)

For Petitioner(s): Mr. M.R. Thangavel

For Respondent(s): 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 9 of the Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021) and Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 in Crime No.64 of 2025, (Corresponding Section 420 of IPC), on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, the petitioner, along with other individuals instigated the defacto complainant to play rummy, and the defacto complainant has paid Rs.500/- and lost his money. He was not allotted prize as assured. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner had never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterates the case of prosecution and opposes the grant of anticipatory bail to the petitioner, stating that the petitioner along with other accused, was involved in playing a game called “Mankatha” and also invited the defacto complainant, deceiving him and joining the game, resulting in a loss of Rs.500/-. There are no previous cases pending against him and that the investigation is ongoing.



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

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no previous cases and based on the confession statement of the first accused, the petitioner is arrayed as A2, and since, custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.I, Vellore**, on condition that the petitioner shall execute a separate 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 condition 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.

[b] the petitioner shall report before the respondent police everyday at 10:30 a.m., until further orders.

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

[d] the petitioner shall not abscond either during the investigation or during the 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 petitioner thereafter absconds, a fresh FIR



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can be registered under Section 269 of B.N.S.

07.04.2025

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To

- 1.The Judicial Magistrate No.I, Vellore.
- 2.The Sub-Inspector of Police,
Bagayam Police Station,
Vellore District. (Crime No.64 of 2025)
- 3.The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN, J.

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