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CRL OP No. 12858 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12858 of 2025

1. Gobinath .M

S/o.Muthusmy .C .S

118/4, Muthu Rathinam Illam, Kumalankuttai,

Kumanan Nagar, Erode - 638 011.

2. Sivakumar .M

S/o.C.S.Muthusamy

025/3A, Muthu Rathinam Illam, Kumalankuttai,

Kumanan Nagar, Erode - 638 011 .

Petitioner(s)

Vs

State represented by

The Inspector of Police,

Kattoor Police Station,

Coimbatore City, Coimbatore District.

Respondent(s)

Criminal Original Petition filed under Section 482 of the BNSS, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.201 of 2025 pending investigation on the file of the respondent police.



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For Petitioner(s): Mr.C.S.Saravanan

For Respondent(s): Mr.S.Balaji

Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 8 and 9 of the Tamil Nadu Gaming and Police Laws Act, 1930 (Amendment 2021) and Section 112 of the Bharatiya Nyaya Sanhita (BNS), 2023, read with Section 66 of the Information Technology Act, 2000, in connection with a case in Crime No.201 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were involved in gambling and the respondent police seized 52 cards, Rs.1,09,90,000/- cash, 14 cellphones, two cars, two two-wheelers at the place of occurrence.

3. The learned counsel for the petitioners would submit that the allegations are false; that the petitioners have been falsely implicated; that they were impleaded only on the confession of A1; that in any case, the allegations



are borne out by records and that the custodial interrogation of the petitioners is not required and sought for anticipatory bail.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioners along with other accused together were involved in gambling; that the police seized cash to the tune of Rs.1,09,90,000/- from the place of occurrence and arrested some of the accused; that there are no previous cases pending against the petitioners; and objected to the grant of anticipatory bail to the petitioners.

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

6. Considering the nature of allegations, which are borne out by records; that the petitioners are sought to be implicated on the confession of the co-accused and since the custodial interrogation of the petitioners is not required



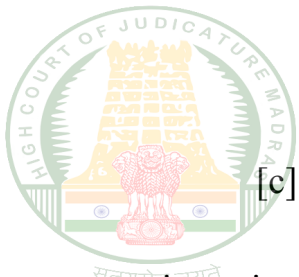
for the purpose of interrogation, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

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7. Accordingly, the petitioners are 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 No.II, Coimbatore District**, on condition that the petitioners 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:

[a] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;



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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Supreme Court in *P.K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560];

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

25-04-2025

nsd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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1.The Inspector of Police,
Kattoor Police Station,
Coimbatore City, Coimbatore District.

2.The Judicial Magistrate No.II,
Coimbatore.



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SUNDER MOHAN J.

nsd

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