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Crl.O.P.No.14152 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14152 of 2025

Chittugounder @ Vellaiyagounder

.. Petitioner

Vs.

State Rep. by
Inspector of Police,
Kannakrichi Police Station,
Salem City.
(Crime.No.11 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 arrest in Crime No.11 of 2025 pending on the file of the respondent.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 7(3) of the Lotteries and Regulations Act, 1998, in Crime No.11 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was selling other State Lottery tickets, which was banned in the State of Tamil Nadu. Hence, the case.

3. Learned counsel appearing for the petitioner submits that the petitioner is arrayed as A2. In this case, A1 was arrested, and bail has been granted. He further submits that the petitioner is innocent and the case has been falsely foisted against him by the respondent for statistical purposes. The petitioner is ready and willing to abide by any conditions that may be imposed by this Court, and hence he prays to grant anticipatory bail to the petitioner.

4. It is further submitted by the learned counsel for the petitioner that



the police are unable to apprehend the petitioner despite the several months have passed. Now the petitioner has come forward to appear before the respondent Police and participate in the investigation.

5. Learned Government Advocate (Crl.Side) appearing for the respondent Police while opposing the grant of anticipatory bail to the petitioner submits that the petitioner had earlier moved an Anticipatory Bail application in Crl.O.P.No.950 of 2025, which was dismissed by this Court on 20.01.2025. He fairly submits that there are 19 previous cases against the petitioner, out of which, 18 cases had been disposed, and one case in Crime No.349 of 2025 is yet to be taken on file, and the present case is pending investigation.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

7. Considering the facts and circumstances of the case, submissions



made by the learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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8. 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.IV, 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 learned Magistrate concerned, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019'].



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The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police for a period of two weeks; thereafter as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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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[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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To

1. Inspector of Police,
Kannakrichi Police Station,
Salem City.
2. The Judicial Magistrate No.IV,
Salem.
3. The Public Prosecutor,
Madras High Court, Chennai.

M.NIRMAL KUMAR, J.

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