



CRL.OP(MD). No.1503 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.1503 of 2025

A.Sivasubramaniyam

... Petitioner / Un-named Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thirupalai Police Station,
Madurai District.
(Crime No.1195 of 2024)

... Respondent / Complainant

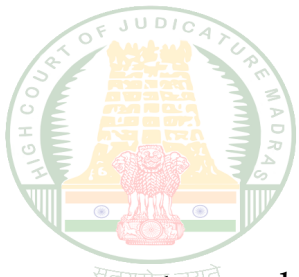
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.1195 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Gurudas, Advocate

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 23.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

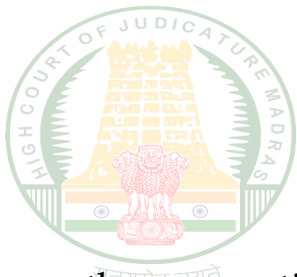
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2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 318(4) of BNS, 2023 and Sections 5 and 7(3) of the Lotteries Regulation Act, 1998, in Crime No.1195 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that, on 20.12.2024, at about 06:00 p.m., when the respondent-police were on routine patrol duty, they received secret information from a person who had sustained losses due to online gambling. Therefore, the respondent-police went to Sekkilor Street, Utcharambumedu, Thiruppalai, where they found the accused persons. On seeing the police, the accused persons attempted to escape. However, the accused persons were apprehended. On enquiry, it was revealed that they were selling Kerala Lottery tickets, banned by the Tamil Nadu Government, through online. Nine mobile phones, lottery tickets, and a sum of Rs.1,41,700/- were seized from them. Hence, the complaint.

4. Mr.M.Gurudas, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by

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



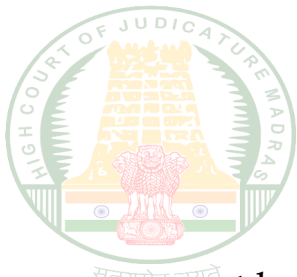
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the prosecution. He further submits that only based on the confession of co-accused, the petitioner has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are totally 13 accused persons in this case. He further submits that the petitioner has 8 previous cases in similar nature. Therefore, he contends that, if the petitioner is released on pre-arrest bail, there is possibility of committing him similar offence in future. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the nature of offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case and also considering the fact that the petitioner has been implicated in this case only based on the confession of co-accused and with a view to give one more opportunity to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly,



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pre-arrest bail is granted to the petitioner subject to the following conditions:

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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Madurai, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Madurai.

(ii) 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]. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) Thereafter, the petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.



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(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE NO.II, MADURAI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
THIRUPALAI POLICE STATION,
MADURAI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1503 of 2025
Date :10/02/2025

RK/SKN/ SAR- 4 (19/02/2025) 6P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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