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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2286 of 2025

Dharmaraj

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Vedasanthur Police Station,
Dindigul District.
(Crime No.23 of 2025)

... 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.23 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : Mr.K.Sanjay Gandhi,

Government Advocate

(Criminal Side)

ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 03.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Section 112(2) of BNS and Section 7(3) of Lotteries Regulation Act, in Crime No.23 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.01.2025, when the respondent-police were on surveillance duty at Vedasanthur Town, the Accused No.1, on seeing the police, tried to escape. The police chased and caught him. On search, it was found that the Accused No.1 was illegally selling banned lottery tickets and he was in possession of 20 numbers of banned lottery tickets. Based on his confession, the petitioner (A2) has been arrayed as an accused. Hence, the case.

4. Mr.S.Sathyachidambaram, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has permanent residence and deep roots in the Society and the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate



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(Criminal Side) appearing for the respondent-police, submits that there are totally 2 accused persons in this case and the petitioner has been arrayed as Accused No.2. He further submits that there are 7 previous cases against the petitioner, out of which, one case is in similar nature. He further submits that the petitioner and other accused were illegally selling banned lottery tickets. Therefore, he contends that, if the petitioner is released on pre-arrest bail, there is a 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 the petitioner has permanent residence and deep roots in the society and there is less possibility for absconding and with a view to give an opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(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, Vedasanthur, Dindigul District, 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.25,000/- (Rupees Twenty Five



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Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate, Vedasanthur, Dindigul District.

(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 before the learned Judicial Magistrate, Vedasanthur, Dindigul District on all working days at 10.30 a.m. until further orders.

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

(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/-
05/02/2025

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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,
VEDASANTHUR,
DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
VEDASANTHUR POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2286 of 2025
Date :05/02/2025

NBF / SKN / SAR- (18/02/2025) 5P/5C

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