



CRL OP(MD). No.3242 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Manimaran

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Ariyamangalam Police Station,
Trichy City.
Crime No.30 of 2025.

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed, Advocate.

For Respondent : Mr.K.Sanjai Gandhi, Government Advocate (Crl.Side)

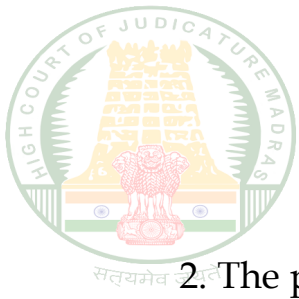
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.30 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 18.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to 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 5 and 7(3) of Lotteries Regulation Act, 1998 in Crime No.30 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 29.01.2025 at about 14.30 hours, the Sub Inspector of Police along with the other Police officials were patrolling to prohibit the selling of other State lotteries, the Police found that two persons were selling lottery tickets near Kamaraj nagar. On seeing the Police, Accused persons tried to escape from the spot. The police apprehended Accused No.1 and recovered the alleged lottery tickets from him. Based on the confession of Accused No.1, the petitioner herein has been arrayed as Accused No.2. Hence, the case.

4. Mr.D.S.Haroon Rasheed, 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 and he has been falsely implicated in this case. He further submits that the respondent-Police had not seen the petitioner in the place of occurrence, and nothing has been recovered from the petitioner. He, however, submits that 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.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there are thirteen previous



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cases pending against the petitioner, out of which 12 cases are in similar nature and one case is related to the offences punishable under the IPC offence. He further submits that if pre-arrest bail is granted to the petitioner, the petitioner will commit the similar offence once again. He further submits that the alleged lottery tickets have been recovered from Accused No.1. However, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case and considering the fact that the alleged lottery tickets have been recovered from the first accused and taking note of the fact that there are thirteen previous cases against the petitioner and hence, with a view to give one more 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 No.VI, Trichy, within a period of 15 days from date on which the order copy is made ready, on



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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.VI, Trichy;

(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 No.VI, Trichy shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m., and 05.00 p.m., until further orders;

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave India without the previous permission of the Court;

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

(viii) The petitioner shall furnish his residential address and mobile number to



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the learned Judicial Magistrate No.VI, Trichy; and

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(ix) 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/-
26/02/2025

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/03/2025

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

TSG
TO

1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, ARIYAMANGALAM POLICE STATION,
TRICHY CITY.

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



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ORDER

IN

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Date :26/02/2025

RS/SKN/SAR-(07.03.2025) 6P 5C

Madurai Bench of Madras High Court is issuing
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