

CRL.OP(MD). No.3727 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3727 of 2025

1.Raja

2.Sasikumar

... Petitioners/ A2 & A3

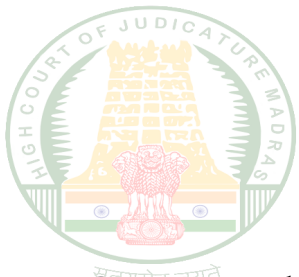
Vs.

The State of Tamil Nadu,
rep., by The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
Crime No.352 of 2024

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioners/accused
Nos.2 and 3 on bail in the event of the arrest of the petitioners pending investigation
in Crime No.352 of 2024 on the file of the respondent-Nilakottai Police Station.

For Petitioners : Mr.S.Madhankumar
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)



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ORDER : The Court made the following order :-
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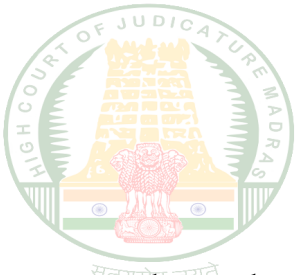
This Criminal Original Petition has been filed by the petitioners on 25.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Section 7(3) of Lotteries Regulation Act, 1998, in Crime No.352 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 31.10.2024 at about 09.00 pm., the respondent-police were on patrol duty. At that time, on seeing the police officials, two accused persons attempted to fly from the scene of occurrence. The police officials however apprehended A1/ Koothaperumal and found that he was in possession of 62 numbers of prohibited lottery tickets. Based on his confession, the petitioners have been arrayed as A2 and A3. Hence, the complaint.

4. Mr.S.Madhankumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely

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implicated in this case. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police submits that the first petitioner has two previous cases, which are similar in nature, and the second petitioner has no previous case. He further submits that the petitioners were arrayed as accused based on the confession given by A1. He further submits that if pre-arrest bail is granted to the petitioners, they may commit offence. Hence, he prays for dismissal of this petition.

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

7. In view of the offences alleged against the petitioners, this Court is of the opinion that custodial interrogation of the petitioners is not necessary. Further, the petitioners have permanent residence and hence, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case, and with a view to give one more opportunity to the



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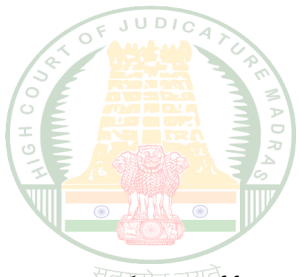
petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Nilakottai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Nilakottai.

(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) The petitioners shall appear and sign before the respondent- police, daily at 10.00 am., until further orders.

(iv) The petitioners shall make themselves available for interrogation by a



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police officer as and when required.

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

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(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 petitioners 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]*.



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

sd/-
01/10/2024

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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

- 1.The Judicial Magistrate, Nilakottai.
2. Do through the Chief Judicial Magistrate,
Dindigul District.
- 3.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Order made in
CRL.OP(MD). No.3727 of 2025
07.03.2025

VN (25/03/2025) 7P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.