



CRL OP(MD). No.5652 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5652 of 2025

Kannan @ Water Kannan

... Petitioner/ A2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Town West Police Station,
Dindigul District.
Crime No.97 of 2025.

... Respondent/ Complainant

For Petitioner : Mr. R. Shankar Ganesh,
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.97 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 24.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / accused No.2 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 7(3) of Lotteries Regulation Act, 1998 in Crime No.97 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 21.03.2025, at about 1.00 pm, during surveillance of the respondent-Police, they found that the petitioner along with A1 was in selling banned Lottery Tickets to the public. On seeing the Police, the petitioner fled from the place. The respondent - Police arrested A1 and seized the lottery tickets along with a cash of Rs.13,000/-, which was allegedly earned from selling Lottery Tickets. Hence, the case.

4. Mr.R.Shankar Ganesh, the learned counsel for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that he 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. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner herein is a



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salesman of lottery tickets and the A1 was already arrested and still in custody. He further submits that there are 4 previous cases pending against the petitioner. He further submits that the investigation of the case is still pending, and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the fact that respondent – police has already seized the allegedly lottery tickets as well as the nature of offence allegedly committed by the petitioner, the custodial interrogation of the petitioner is not necessary. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for 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 petitioner 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.I, Dindigul District, 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.10,000/- (Rupees Ten Thousand only)



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along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, 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 No.I, Dindigul District 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 am 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 witnesses and shall also not tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Dindigul District.



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Dindigul District 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/-
26/03/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE NO I
DINDIGUL DISTRICT.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
DISTRICT.

3 THE INSPECTOR OF POLICE
TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.

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



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

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-3555[I] dated 27/03/2025)

ORDER
IN
CRL OP(MD) No.5652 of 2025
Date :26/03/2025

HPS/SAR / 25.04.2025/6P/6C

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