



Crl.O.P.(MD)No.6432 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD)No.6432 of 2025

Vivek

... Petitioner / Accused No.4

Vs.

State of Tamil Nadu,
Rep. by the Inspector of Police,
Woraiyur Police Station,
Trichy City, Trichy.
(In Crime No.139 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.139 of 2025, on the file of the respondent- police.

For Petitioner : Mr.J.Yesu Subananth

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



Crl.O.P.(MD)No.6432 of 2025

ORDER : The Court made the following order :-

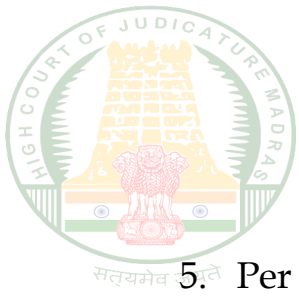
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This Criminal Original Petition has been filed by the petitioner on 03.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offence punishable under Section 5, r/w 7(3) of Lotteries Regulation Act, 1998 & 112 of BNS, 2023, in Crime No.139 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 20.03.2025, at about 15.30 hrs, when the defacto complainant while on patrol duty, they found that the accused persons were illegally selling lottery tickets by downloading through online and sold it. On seeing the police, the accused were fled from the spot, but the defacto complainant arrested A1 & A2 and seized the lottery tickets, laptops and other electronics gadgets from them. Hence, the case.

4. Mr. J. Yesu Subananth, 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 a false has been foisted against this petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for grant of pre-arrest bail to the petitioner.



Crl.O.P.(MD)No.6432 of 2025

WEB COPY

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is one previous case against the petitioner. He contends that, if the petitioner is granted pre-arrest bail, he will 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 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 therefore, there is less possibility for absconding. Considering the above fact that the respondent police has already seized laptops, other electrical gadgets and a sum of Rs.2,94,650/- were recovered from A1 and A2, and taking note of the fact that there is one previous case against the petitioner, and with a view to give an 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.IV, Trichy 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.25,000/- (Rupees Twenty Five Thousand



Crl.O.P.(MD)No.6432 of 2025

only) along with two sureties for a like sum of Rs.25,000/- (Rupees Twenty Five
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Thousand only) to the satisfaction of the learned Judicial Magistrate No.IV, Trichy
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) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.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, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

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



Crl.O.P.(MD)No.6432 of 2025

to the concerned Magistrate.

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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/-
17/04/2025

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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RJR

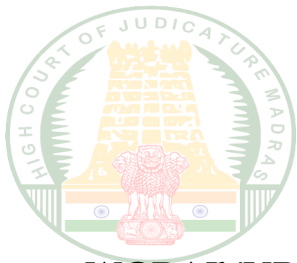
TO

1.THE JUDICIAL MAGISTRATE NO.IV,
TRICHY DISTRICT.

2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,

5/6



Crl.O.P.(MD)No.6432 of 2025

WORAIYUR POLICE STATION,
TRICHY CITY, TRICHY.

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

+1 CC to M/s.J.YESU SUBANANTH, Advocate (SR-4517[I] dated 22/04/2025)

ORDER
IN
CRL OP(MD) No.6432 of 2025
Date :17/04/2025

HPS/29.05.2025 /6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023