



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No.2895 of 2026

Mubarakbasha

...Petitioner

Vs

The State Rep.by, its
The Inspector of Police,
Walajabad Police Station,
Kancheepuram District
Cr.No.14/2026.

..Respondent(s)

Prayer: This petition is filed under Section 482 of BNSS to enlarge the petitioners on bail in the event of their arrest relating to the alleged offences in Crime No. 14/2026 on the file of the Respondent / Police.

For Petitioner(s): Mr.B. Gopala Krishnan

For Respondent(s): Ms.J.R. Archana, Government Advocate
(Crl.Side)



ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 112(2) of BNS r/s Section 5 and 7(3) of Lotteries Regulation Act in Crime No.14 of 2026, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police is on regular check up they found that the petitioner along with other accused was selling lottery tickets to the general public. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioner is innocent and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that he was only present at the scene of occurrence and the other accused were selling the lottery tickets. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and reported that the petitioner along with other accused was selling lottery tickets to the general public and the lottery tickets were seized by the respondent police. He further submitted that there are 3 previous cases pending against the petitioner. However, he strongly opposed the grant of anticipatory bail to the petitioner.



5. Heard both sides and perused the materials available on record.

6 Considering the submissions made by both sides and also considering the facts and circumstances of the case and even though there are 3 previous cases pending against the petitioner the lottery tickets were seized by the respondent police I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned **Judicial Magistrate No.II at Kancheepuram** on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioners fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The



learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

WEB COPY

(c) **The petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

09-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SMN



WEB COPY

1. The **Judicial Magistrate No.II at Kancheepuram**

2. The Inspector of Police,
Walajabad Police Station,
Kancheepuram District

3. The Public Prosecutor,
High Court, Madras



WEB COPY



K.RAJASEKAR, J.

smn

CRL OP No. 2895 of 2026

09-02-2026