



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Ninth day of July Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.13180 of 2016

M.KAMALA THASAN

... PETITIONER/ACCUSED NO.6

Vs

STATE REP BY THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT. IN CRIME NO.294/2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S. D.S. HAROON RASHEED Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

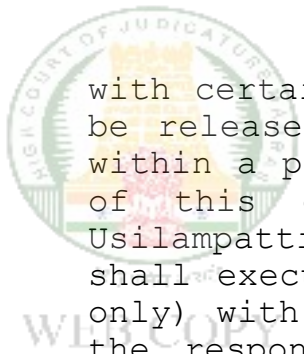
The petitioner, who is arrayed as Accused No.6, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8, 9 and 12 of Gaming Act, 1930, 353 and 506(i) IPC, in Crime No.294 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 11.06.2016 at about 01.30 p.m., While the de facto complainant and other two police personnel were patrolling near Usilampatti to Peraiyur Road, they found one private club under the name and style of Bharathivel Manamagil Mandram. At that time A.1 to A.5 were doing gambling by using 52 game cards and Rs.3,000/- cash. A.1 to A.5 wrongfully restrained the de facto complainant and others and one Subramani threatened them with dire consequences. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is only the owner of the club and he was not present at the time of occurrence. A.1 to A.5 were already arrested and released on bail by the learned Judicial Magistrate No.I, Usilampatti vide order dated 16.06.2016 made in Cr.M.P.No.2803 of 2016.

4.The learned Government Advocate (Criminal side) submitted that gambling was going on in the club run by the petitioner and the other accused persons prevented the police personnel and threatened them with dire consequences. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is the owner of the club, this Court is inclined to grant anticipatory bail to the petitioner



with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Usilampatti, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
29/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,USILAMPATTI, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE,MADURAI
- 3 THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. D.S. HAROON RASHEED Advocate SR.No.40761

ORDER

IN

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Date :29/07/2016