



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.14124 of 2016

ARUNPATHY @ ARUN, ... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
TUTICORIN DISTRICT
IN CRIME NO.160 OF 2016. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.R.ANBARASU Advocate

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

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

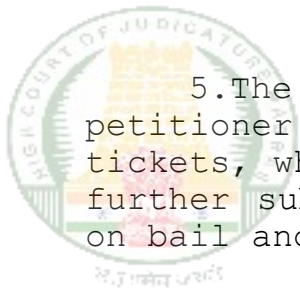
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b) and 506(ii) IPC and Section 5 read with 7 of Lotteries Regulation Act, in Crime No.160 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the first accused approached the defacto complainant and requested him to buy lottery tickets and the results would be seen through online. Believing his words, the defacto complainant also bought three lottery tickets and when he came to know the fact that the first accused has sold bogus lottery tickets and the same was questioned by the defacto complainant, the first accused attacked him and threatened him with dire consequences. On complaint, case has been registered against the petitioner.

3.The case of the petitioner is that the petitioner's name is not found in the F.I.R. Only on the confession of A.1, the petitioner has been falsely implicated in this case and he has also not known the first accused.

4.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.



5.The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused persons sold the lottery tickets, which are banned by the Government of Tamil Nadu. She would further submit that Accused No.1 was already arrested and enlarged on bail and no previous case is pending against the petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Thiruchendur, Tuticorin 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:

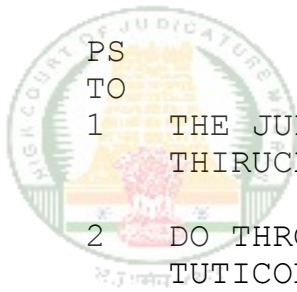
- (i) the petitioner shall report before the respondent Police twice at 10.00 a.m., and 05.00 p.m., until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (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]**.

7.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/-
08/08/2016

/ TRUE COPY /

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



PS
TO

1 THE JUDICIAL MAGISTRATE
THIRUCHENDUR, TUTICORIN DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE, KULASEKARAPATTINAM POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S S.R.ANBARASU Advocate SR.No.42867

GJM/NGM/MP/SAR-III-12.8.16-3P-6C

ORDER

IN

CRL OP(MD) No.14124 of 2016

Date :08/08/2016