



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

Tuesday, the Twenty Ninth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11077 of 2017

R. KUMAR

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE

KULITHALAI POLICE STATION, KARUR DISTRICT,
CR NO. 468/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.R.BADURUS ZAMAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

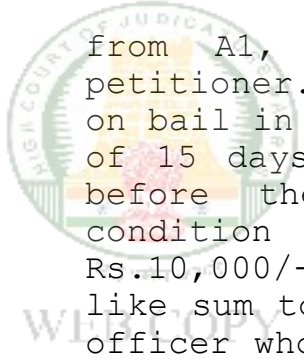
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294 (a) of IPC r/w7 (3) of Tamil Nadu Lottery (Regulation) Act 1998 in Crime No.468 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the accused is in possession of 40 lottery tickets, which is banned by the Government of Tamil Nadu and the petitioner herein was selling the lottery tickets.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that only due to the statistical purpose the respondent Police registered the case against the petitioner and the alleged lottery tickets were seized only from A1.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 3 accused in this case and the petitioner herein is arrayed as A3. He further submitted that A1 and A2 were arrested and released on bail and 40 lottery tickets and sale amount of Rs.240/- and 3 cell phones were seized by the respondent Police from A1 and the investigation is still pending.

5.Considering the facts and circumstances of the case and also the fact that A1 and A2 were arrested and released on bail by concerned Magistrate and 40 lottery tickets and sale amount of Rs.240/- and 3 cell phones were seized by the respondent Police



from A1, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Kulithalai 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioner shall not abscond either during investigation or trial.

[d]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).

sd/-
29/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KULITHALAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
KULITHALAI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.KANNAN Advocate SR.No.29526

ORDER
IN
CRL OP(MD) No.11077 of 2017
Date :29/08/2017

MKV-PN-SAR 2/05.09.2017/2P-6C