



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

Wednesday, the Nineteenth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9279 of 2017

A.BABU

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
GANDHI MARKET POLICE STATION,
TRICHY DISTRICT,
CRIME NO. 801/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SIVABALAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

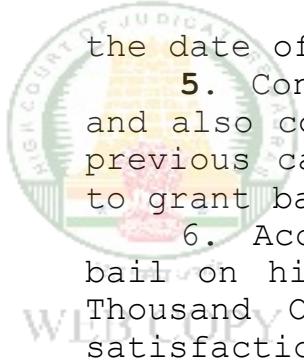
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.06.2017, for the offence punishable under Sections 5 and 7(3) of Lotteries Regulation Act, 1998 r/w Sections 109, 120-B and 420 of IPC., in Crime No.801 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein sold the lottery tickets in the printed form, which is banned by the Government of Tamil Nadu. Fifteen numbers of lottery tickets printed in white papers and a sum of Rs.180/- were recovered from the petitioner herein.

3. The learned counsel appearing for the petitioner states that the petitioner has not committed any offence, as alleged by the prosecution and for statistical purpose, the respondent Police has falsely implicated the petitioner herein and he is an innocent person.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that FIR was registered against one named accused and as per the confession given by A1, the petitioner herein is arrayed as A2. The petitioner herein is not having any previous case and the investigation is still pending. The petitioner was arrested on 22.06.2017 and he is in custody from



the date of arrest.

5. Considering the above facts and circumstances of the case and also considering the fact that the petitioner is not having any previous case of similar type of offences, this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.V, Trichy, and on further condition that:

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

[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/-

19/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE INSPECTOR OF POLICE,
GANDHI MARKET POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S.K.SIVABALAN Advocate SR.No.26883
MPK
CSL/PM-PN/SAR-IV/19.07.2017 : 2P/7C

ORDER

IN

CRL OP(MD) No.9279 of 2017

Date :19/07/2017