

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15435 of 2018

1 R.KANNAN,
2 A.KUMAR,

[PETITIONERS / ACCUSED]

Vs

STATE BY:
INSPECTOR OF POLICE,
HASTHAMPATTY POLICE STATION,
SALEM DISTRICT.
CR.NO.241 OF 2018.

[RESPONDENT]

For Petitioner : M/S.B.VASUDEVAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.241 of 2018 registered by the respondent police for the offence under Section 7 (3) of Lottery Regulation Act.

2. The case of the prosecution is that the petitioners indulged in selling banned Lotteries in Salem Town.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that 16 previous cases are pending against the first petitioner and that there is no previous case against the second petitioner.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that there are 16 previous cases pending against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed in respect of the first petitioner. As far as the second petitioner is concerned, this Court is inclined to grant anticipatory bail subject to the following conditions:

6. Accordingly, the second 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-III, Salem, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 said Magistrate, on further condition that:-

[a] if the second petitioner failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled;

[b] the second petitioner shall report before the respondent police daily at 10.30.a.m and 5.30.p.m., until further orders;

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the second petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
14/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HASTHAMPATTY POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.B.VASUDEVAN Advocate on payment of necessary
charges-Sr.10765

CRL OP.15435/2018

Date :14/06/2018

ths : 20.06.2018