



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1020 of 2018

R. JEYAKUMAR

... PETITIONER/ACCUSED No.1

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT,
IN CRIME NO. 857/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.JOTHI BASU Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 7(3) of the Lotteries (Regulation) Act, 1998 in Crime No.857 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.12.2017, during inspection, the respondent police found that A1 to A3 sold the Lotteries against the Law and Regulations. Further, the respondent police have arrested the accused no.2, recovered 10 numbers of lottery sheets, a sum of Rs.150/- from him and remanded to Judicial custody. Based on the complaint, case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that no such occurrence was happened as alleged by the prosecution. He further submitted that the petitioner is an innocent person, he has not committed any offence and prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) submitted that there are totally three accused in this case and the petitioner herein is arrayed as A1. He further submitted that the petitioner has one previous case in the similar nature of offence. Hence, he opposed for granting anticipatory bail.



5. The submissions made by the learned counsels on either side are considered. It is alleged that during the time of occurrence, the other accused is found possession of banned lottery tickets, worth about Rs.150/-. According to prosecution, as of now, the said banned lottery tickets were recovered by the respondent police. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he 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, Rajapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 three weeks, 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 anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-
23/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE SUB INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.1220

ORDER

IN

CRL OP(MD) No.1020 of 2018

Date :23/01/2018

SMA/RR-CSL/SAR-3/29.01.2018:3P/6c