



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

Tuesday, the Twenty Seventh day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4704 of 2018

PAULRAJ

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 87 OF 2018).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.MUTHUVELAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

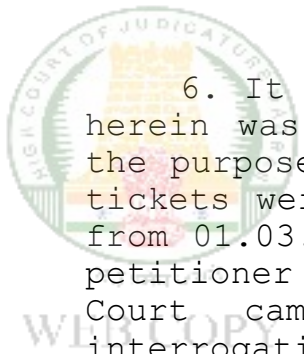
The petitioner, who is arrayed as accused No.1, was arrested and remanded to judicial custody on 01.03.2018 for the offence punishable under Section 7(3) of Lotteries Regulation Act, 1988 in Crime No.87 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused are said to have sold the Lottery tickets of Kerala State, which was prohibited in Tamil Nadu. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 01.03.2018.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation is pending.

5.The submissions made by the learned counsel appearing on either side are considered.



6. It is alleged, during the time of occurrence, the petitioner herein was found in possession of 132 banned lottery tickets, for the purpose of selling to the Public. As of now, the said lottery tickets were recovered and the petitioner is in judicial custody from 01.03.2018. Considering the nature of offence committed by the petitioner and also considering the period of incarceration, this Court came to the conclusion that the further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) 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 learned Judicial Magistrate, Sivagiri, Thirunelveli District.

(ii) the petitioner shall appear before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-

27/03/2018

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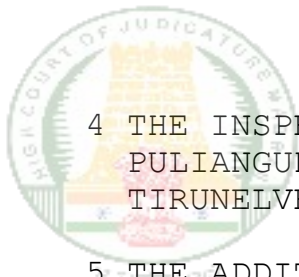
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE ,
SIVAGIRI,
THIRUNELVELI DISTRICT.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.



4 THE INSPECTOR OF POLICE
PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.V.MUTHUVELAN Advocate SR.No.4822.

ORDER
IN
CRL OP(MD) No.4704 of 2018
Date :27/03/2018

SDS/MM:PN/SAR.1/27.03.2018/3P/7C