

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

Tuesday, the Nineteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4048 of 2019

TAMILARASAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE:

THE SUB INSPECTOR OF POLICE,
LALAPETTAI POLICE STATION,
KARUR DISTRICT.
(CRIME NO.89/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. V. KANNAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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 alleged offence under Section 7(3) of Tamil Nadu Lottery (Regulation) Act, 1998 r/w 420 IPC in Cr.No.89 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 12.03.2019 without any valid license the petitioner is selling lottery tickets and he was found in possession of 10 Bootan Gold Lottery, 10 Sikkim Super Lottery and 50 Future Pearls Lottery in total 70 lottery tickets. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. In fact, the petitioner herein is arrayed as the second accused and the first accused has already been arrested and enlarged on bail. Hence, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) for the respondent police did not dispute the facts in respect of A1 arrest submitted by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that the first accused has already been enlarged on bail, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only) as costs, to the credit of the "Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High court, Madurai";

(c)the petitioner shall report before the respondent police as and when required for interrogation;

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

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

(f)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]**; and;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/03/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
LALAPETTAI POLICE STATION,
KARUR DISTRICT.

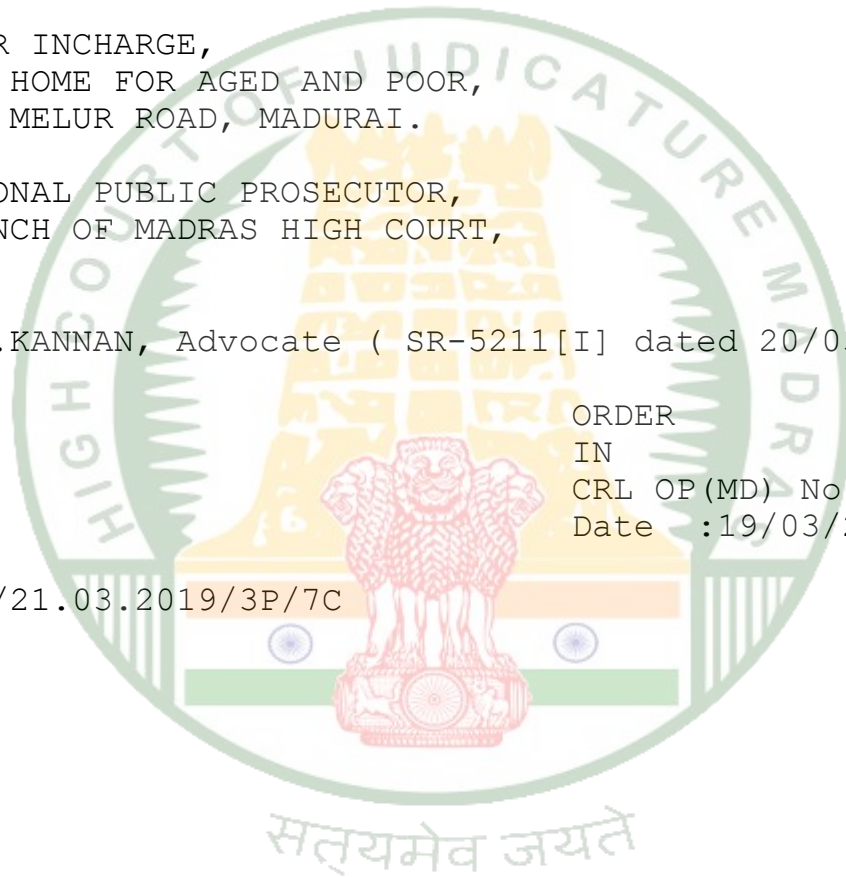
4. THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR AGED AND POOR,
ULAGANERI, MELUR ROAD, MADURAI.

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

1 CC to MR.V.KANNAN, Advocate (SR-5211[I] dated 20/03/2019)

ORDER
IN
CRL OP(MD) No.4048 of 2019
Date :19/03/2019

AE/PN/SAR-II/21.03.2019/3P/7C



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