



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4052 of 2019

SENTHILKUMAR

... PETITIONER / ACCUSED No.2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALANGUDI POLICE STATION
PUDUKKOTTAI DISTRICT.
Crime No.30 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. A.BANUMATHI 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 who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 5 and 7 (3) of Lottery Regulation Act in Cr.No.30 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is arrayed as A2. The petitioner along with other accused persons purchased a Lottery tickets from the State of Kerala and sold it to the public. During the raid, the petitioner ran away from the spot. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner will not committed any offence in future, since he prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that there is no previous case pending against him. Hence, this Court may consider the anticipatory bail application of the petitioner.



5. Considering the facts and circumstances of the case, 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, Alangudi 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 his photograph and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(d) 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

sd/-
27/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ALANGUDI.

2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE
ALANGUDI POLICE STATION
PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S. A.BANUMATHI Advocate SR.No.5662

ORDER

IN

CRL OP (MD) No.4052 of 2019

Date : 27/03/2019

TK/PN/SAR-2/29.03.2019/3P/6C