

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7663 of 2019

Velmurugan

... Petitioner

Vs

State rep.by,
The Inspector of Police,
Edayakottai Police Station,
Dindigul District
(Cr.No.38/2019 On the File of
Edayakottai Police Station).

... Respondent

For Petitioner : M/s.K.K.Samy,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory bail in Cr.No.38/2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 353 of
IPC and 7(1)(3) of Lottery Regulation Act, 1998 in Crime No.38 of
2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner has been falsely implicated in the
above case. He further submitted that already accused No.1 was
arrested and subsequently, released on bail. Hence, he prayed for
grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the
respondent has submitted that on 29.05.2019 at about 11.00 a.m, the
police intercepted the motorcycle which was ridden by the first
accused and on search, it was found that he was in possession of 820
lottery tickets belong to various states. He further submitted that

A1 gave a confession statement stating that the petitioner is only the owner of those lotteries. However, he fairly conceded that A1 was arrested and released on bail and no previous case is pending against the petitioner.

5. Taking into consideration the fact that only based on the confession statement given by A1 the petitioner herein was implicated in the above case and also the fact that no previous case is pending against him, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

6. 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, Oddanchatram, Dindigul District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of fifteen days and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with 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 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].

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

sd/-

10/06/2019

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TO

1. THE JUDICIAL MAGISTRATE,
ODDANCHATRAM, DINDIGUL DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE
EDAYAKOTTAI POLICE STATION,
DINDIGUL DISTRICT

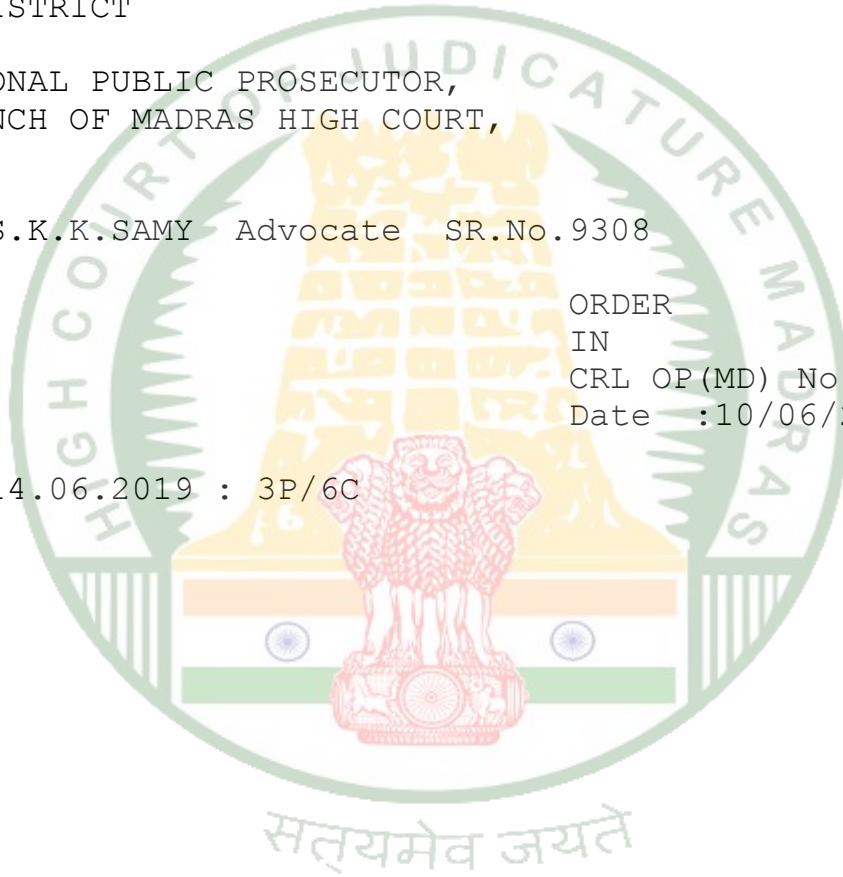
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.K.SAMY Advocate SR.No.9308

ORDER
IN
CRL OP(MD) No.7663 of 2019
Date :10/06/2019

vsg

PK/VR/SAR-2/14.06.2019 : 3P/6C



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