

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9578 of 2019

A.Anthonisamy ... Petitioner/Sole Accused

Vs

State Rep. by  
The Sub Inspector of Police,  
Mimisal Police Station,  
Pudukkottai District.  
(In Cr. No. 44 of 2019) ... Respondent/Complainant

For Petitioner : M/s.S.Muthalraj,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 44 /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 5 and 7 (3) of Lotteries Regulation Act, 1998 seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that a false case has been foisted against the petitioner. He further submitted that the petitioner is running a plastic materials shop and he used to give estimates through bill books and the respondent has seized only the said bill books and also seized

two laptops and two mobile phones and also a sum of Rs.5,70,000/- . Hence, he prayed to grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent has submitted that on information the police party conducted raid in the petitioner's shop and found that he was selling lottery tickets through online and also collected a sum of Rs.4,73,870/- and the said amount and two laptops and two cell phones were seized from the petitioner. However, he fairly conceded that the bill books and counterfoil which were seized from the petitioner and nothing has been mentioned about sale of lottery tickets.

5.Taking into consideration of the submissions made by the learned counsel for the petitioner that the petitioner is running a plastic materials shop and also the submission made by the learned Additional Public Prosecutor that nothing has been written in the bill books and also the fact that even though laptops and cell phones were recovered from the petitioner nothing has been retrieved from the cell phone and lap top and also the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi, Pudukottai District 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[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.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
12/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARANTHANGI, PUDUKOTTAI DISTRICT
  - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKOTTAI DISTRICT.
  - 3 THE SUB INSPECTOR OF POLICE, MIMISAL POLICE STATION,  
PUDUKOTTAI DISTRICT.
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.MUTHALRAJ Advocate SR.No.11704

ORDER  
IN

CRL OP(MD) No.9578 of 2019  
Date :12/07/2019

aav

JMN/JC/SAR-2/24.07.2019/3P-6C

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