



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22728 of 2018

K.SARTHAR SHERIF

... PETITIONER/ **(*)ACCUSED RANK NO.3**

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION (L&O),
MADURAI CITY.

(*)CRIME NO.899 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.SHEIK ABDULLAH, 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 :-

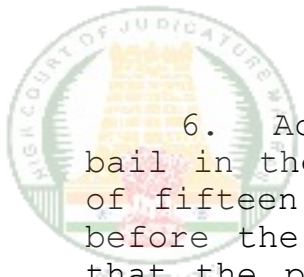
The petitioner apprehends arrest at the hands of the respondent police for the offences punishable **(*)under Sections 5 and 7(3) of Lotteries Regulation Act, 1998**, in **(*)Crime No.899 of 2018** seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused selling the banned lottery tickets. When the Police party rounded the accused and seized lottery tickets, the petitioner ran away from the scene of occurrence. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution and prays for anticipatory bail in his favour.

4.It is submitted by the learned Government Advocate (Crl.Side) that the petitioner along with other accused sold the lottery tickets, which are banned in Tamil Nadu.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.



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 No.IV, Madurai 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 said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police for a period of two weeks and thereafter, as and when required for 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/01/2019

**(*) AMENDED AS PER THE ORDER OF HON'BLE
COURT MADE IN CRL MP(MD)NO.443/2019
IN CRL OP(MD)NO.22728/2018 VIDE ORDER
DATED:23.01.2019 BY MNKJ.**

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO IV, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION (L&O), MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.M.SHEIK ABDULLAH Advocate SR.No.1164

ORDER IN

CRL OP(MD) No.22728 of 2018

Date :23/01/2019