



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9759 of 2019

Karthick,

... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
West Police Station,
Thanjavur District
Crime No.236/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,
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. 236 of 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 Sections 5 and 7
(3) of Lotteries Regulation Act, 1998, in Crime No.236 of 2019,
seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner is an innocent and he has been falsely
implicated in the above case. He further submitted that A2 was
found in possession of banned lottery tickets and the petitioner is
in no way connected with the aforesaid case and there is no previous
case pending against the petitioner. He further submitted that
already A2 was arrested and subsequently he was released on bail and
hence, he prayed for grant of anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor has submitted that



investigation is still pending and hence, he strongly opposed this petition. However, he fairly conceded that already A2 was arrested and subsequently he was released on bail and there is no previous case pending against the petitioner.

5. Taking into consideration the fact that there is no previous case pending against the petitioner and also the fact that already A2 was arrested and subsequently he was released on bail, this Court is inclined to grant anticipatory bail to the petitioner 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 No.1, Thanjavur, 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:

(i) If the petitioner fails 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 three weeks 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/-

11/07/2019

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TO

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
WEST POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to MR.R.MAHESWARAN, Advocate (SR-11598[I] dated 12/07/2019)

ORDER

IN

CRL OP(MD) No.9759 of 2019

Date :11/07/2019

vsg

AE/JC/SAR-IV (17.07.2019) 3P 6C