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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10283 of 2019

R.Anbazhagan, ... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
Manamelkudi Police Station,
(In Crime No.81 of 2019).
Pudukkottai District.

... 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 :-

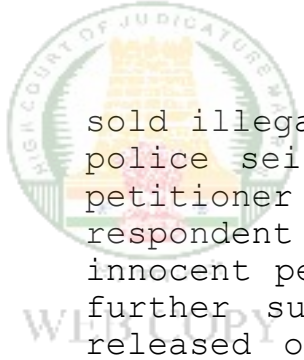
For Anticipatory Bail in Crime No. 81 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 5 & 7 (3) of Lotteries Regulation Act, 1998, in Crime No.81 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, on 11.07.2019, the respondent police have conducted unusual raid around the streets of Kottaiappattinam and Manamelkudi for preventing illegal lottery business. At that time, the petitioner along with other accused have



sold illegal banned lottery tickets to the public and the respondent police seized some receipts and cash of Rs.1330/- from them. The petitioner ran away from that place. A1 was secured by the respondent police. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that A1 was already arrested and subsequently released on bail. He further submitted that no previous case is pending against the petitioner, and therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner along with other accused have sold illegally lottery tickets to the public and hence, he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner.

5. Considering the fact that already A1 was arrested and subsequently released on bail and also the fact that no previous case is 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 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 Court, Aranthangi, Pudukkottai 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:

(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 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 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].



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

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

TO

- 1 THE JUDICIAL MAGISTRATE COURT
ARANTHANGI, PUDUKKOTTAI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MUTHALRAJ Advocate SR.No.12220

ORDER
IN
CRL OP(MD) No.10283 of 2019
Date :24/07/2019

KM/JC/SAR-III (06.08.2019) 3P 6C