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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.10241 of 2019

1. Praveenkumar
2. Vignesh

... Petitioners/Accused Nos.2 & 3

Vs

State rep. by
The Sub Inspector of Police,
Nagudi Police Station,
in Crime No.129 of 2019.
Pudukkottai District.

... Respondent/Complainant

For Petitioners: 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 :-

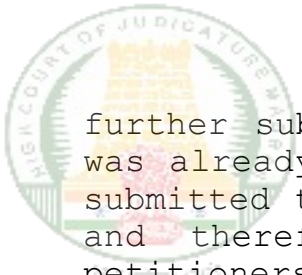
For Anticipatory Bail in Crime No. 129 of 2019 on the file of the Respondent Police.

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 Tamil Nadu Lotteries Regulation Act, 1998, in Crime No.129 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that even as per the FIR, on 13.07.2019, the respondent police have done unusual raid around the public streets of Avudayarkoil for preventing illegal prohibiting lottery business. He



further submitted that the petitioners are working under A1 and A1 was already arrested and subsequently, released on bail. He further submitted that no previous case is pending against the petitioners, and therefore, he prayed to grant anticipatory bail to the petitioners.

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4. The learned Additional Public Prosecutor has appearing for the respondent has submitted that the petitioners have sold illegal prohibiting lottery to the public and hence, he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioners.

5. Considering the fact that already A1 was arrested and subsequently released on bail and also the submission made by the learned counsel for the petitioners that the petitioners are working under A1 and no previous case is pending against them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Magistrate Court, Aranthangi, Pudukkottai District, on condition that the petitioners 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 petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 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, ARANTHANGI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
NAGUDI 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.12221

ORDER
IN
CRL OP(MD) No.10241 of 2019
Date :24/07/2019

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JMN/PN/SAR-1/01.08.2019/3P-6C