

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2214 of 2020

1 MUTHU KUMAR

[PETITIONERS / ACCUSED]

2 MUTHUSAMY

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.
(CRIME NO.742/2019)

[RESPONDENT]

For Petitioner : M/S.R.KRISHNAKUMAR Advocate

For Respondent : M/S.V. SARATHA DEVI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 5, 7(3) Lotteries regulation Act, 1998 and 353, 420, 506 (ii) of IPC, in Cr.NO.742 of 2019 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that on 12.12.2019, the respondent police received a secret information about the selling of banded lottery tickets. The petitioners and other accused persons were found in possession of other state banned lottery tickets for selling to the general public. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they were only found in possession of few lottery tickets and they did not sell them and they have been falsely implicated in this case. However, he would submit that on instructions the petitioners are ready and willing to deposit jointly a sum of Rs.30,000/- (Rupees Thirty Thousand Only) by way of demand draft drawn in favour of the Assistant Commissioner, H.R.&C.E. of Arulmigu

Maruntheeswarar Temple, Thiruvannamiyur, Chennai and the said amount shall be used for the purpose of maintaining the Goshala in the said Temple.

4.The learned Government Advocate (Crl.Side) would submit that investigation is still pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate, Katpadi 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners shall jointly deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) by way of demand draft drawn in favour of the Assistant Commissioner, H.R.&C.E. of Arulmigu Maruntheeswarar Temple, Thiruvannamiyur, Chennai and the said amount shall be used for the purpose of maintaining the Goshala in the said Temple.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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 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]; and;

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

-sd/-
04/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
KATPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATPADI POLICE STATION,
VELLORE DISTRICT.

5 THE ASSISTANT COMMISSIONER,
H.R. & C.E. OF ARULMIGU MARUNTHEESWARAR TEMPLE,
THIRUVANMIYUR, CHENNAI.

+1 CC to M/S.R.KRISHNAKUMAR Advocate on payment of necessary charges SR.NO.2191

CRL OP.2214/2020

Date :04/02/2020

TA-07/02/2020