

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.1819 of 2020

BALAJI

[PETITIONER / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
VIRUDAMPET POLICE STATION,
VELLORE DISTRICT.
CR.NO.16 OF 2020.

For Petitioner : M/S.D.BALAJI 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 petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 4(3) of T.N.G. Act r/w Section 353, 506 (i), 420 of IPC, in Cr.No.16 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found involving cotton type of gambling by using written white papers and laid up amount towards the above gambling activities.

3. The learned Counsel for the petitioner submitted that that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. However, he would submit that on instructions the petitioner is ready and willing to deposit a sum of Rs.25,000/- (Rupees Twenty Thousand Only) by way of demand draft drawn in favour of the Secretary, Gosh Samrakshana, No.4, Kasi Viswanathar Koil Street, (Behind Sankara Mutt) West Mamabalam, Chennai 33 and the said amount shall be used for the purpose of maintaining the Goshala in the said Temple. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the investigation is pending.

5. Taking note of the facts and circumstances, 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-III, Vellore, on condition that the petitioner 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.25,000/- (Rupees Twenty Five Thousand Only) by way of demand draft drawn in favour of the Secretary, Gosh Samrakshana, No.4, Kasi Viswanathar Koil Street, (Behind Sankara Mutt) West Mamabalam, Chennai 33 and the said amount shall be used for the purpose of maintaining the Goshala in the said Temple.

(b) the petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 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]; 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,
NO.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SECRETARY,
GOSH SAMRAKSHANA,
NO.4, KASI VISWANATHAR KOIL STREET,
(BEHIND SANKARA MUTT)
WEST MAMABALAM, CHENNAI 33.

+1 CC to M/S.D.BALAJI Advocate on payment of necessary charges
SR.NO.2203

WEB COPY
CRL OP.1819/2020
Date :04/02/2020

TA-07/02/2020