

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2872 of 2020

AIYUB

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE SUB-INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.
(CRIME NO.65 OF 2020).

For Petitioner : M/S. R.SASIKUMAR Advocate

For Respondent : MR.C.AYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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 Section 4 (3) of the Tamil Nadu Gaming Act, 1930 and Section 420 of I.P.C. in Cr.No.65 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused is alleged to have been playing gambling in an abandoned place. On the basis of the complaint lodged by the defacto complainant, the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The learned counsel on instructions, would further submit that to show his bonafide, the petitioner is ready to pay a sum of Rs.1 Lakh for construction of toilet in the Government Higher Secondary School, Valluvampakkam, Walaja Taluk, Ranipet District.

4.The learned Additional Public Prosecutor vehemently opposed for grant of anticipatory bail to the petitioner and would submit that investigation is pending. He would further submit that the petitioner is arrayed as the second accused in this case.

5.Considering the fact that the petitioner is ready to pay a sum of Rs.1 Lakh for construction of toilet in the Government Higher Secondary School, Valluvampakkam, Walaja Taluk, Ranipet District, this Court is inclined to grant anticipatory bail to the petitioner.

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

(a) the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) directly to the Principal/ Head Master/ Head Mistress of the Government Higher Secondary School, Valluvampakkam, Walaja Taluk, Ranipet District, by way of demand draft drawn in favour of the Principal/ Head Master/ Head Mistress, within a period of two weeks from the date of receipt of a copy of this order.

(b) On receipt of the said amount, the Principal/ Head Master/ Head Mistress of the Government Higher Secondary School, Valluvampakkam, Walaja Taluk, Ranipet District, shall use the same for construction of toilet in the School premises. After completion of the construction of toilet in the School premises, the Principal/ Head Master/ Head Mistress shall submit a visual report to the Chief Educational Officer/ District Educational Officer, Ranipet District. The entire exercise shall be completed within a period of three months from the date of receipt of the amount.

(c) 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;

(d) the petitioner shall report before the respondent police daily at 11.30 a.m. until further orders;

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

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

-sd/-
11/02/2020

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.II, WALAJA.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION.]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

5 THE PRINCIPAL/HEAD MASTER/
HEAD MISTRESS TO THE GOVERNMENT HIGHER
SECONDARY SCHOOL, VALLUVAMPAKKAM,
WALAJA TALUK, RANIPET DISTRICT.

6 THE CHIEF EDUCATIONAL OFFICER/
DISTRICT EDUCATIONAL OFFICER,
RANIPET DISTRICT.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
SR.No.2693

CRL OP.2872/2020

Date :11/02/2020

cs 12/02/2020