

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION NOS.4974 & 4976 OF 2020

PRAKASH

[PETITIONER / ACCUSED
IN BOTH THE PETITIONS]

Vs

STATE REP.BY [RESPONDENT
INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
VELLORE NORTH (L & O) POLICE STATION,
VELLORE DISTRICT.
CRIME NOS.56 & 37 OF 2020.

For Petitioner : M/S.R.THULASI Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

- 1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 4(3) of the Tamil Nadu Gaming Act, 1930 and 420 of IPC in Cr.Nos.56 and 37 of 2020, has filed these Criminal Original Petitions, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution in Cr1.OP.No.4974 of 2020 are that on 26.01.2020 at about 15.30 hours, when the Respondent Police Personnel were on patrol duty at Vellore Mandi Street near Bright Dental Hospital, they saw some persons sitting around one person and saw the said person collecting money from the other persons and giving written papers to them and that the Respondent Police caught hold of him and recorded his confession that he played cotton game by collecting money from the players and he is working under the Petitioner. Based on his statement, the Petitioner has been implicated as an absconding accused in the case on hand.

3. The facts of the case of the Prosecution in Cr.OP.No.4976 of 2020 are that on 18.01.2020 at about 10.00 hours, when the Respondent Police Personnel were on patrol duty at Saidapet, Murugan Temple, they saw some persons sitting around one person and saw the said person collecting money from the other persons and giving written papers to them and that the Respondent Police caught hold of him and recorded his confession that he played cotton game by collecting money from the players and he is working under the Petitioner. Based on his statement, the Petitioner has been implicated as an absconding accused in the case on hand.
4. This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.
5. According to the Petitioner, the Petitioner is in no way connected with the alleged offences and he has been falsely implicated in the case on hand and. The co-accused/A1 was arrested and enlarged on bail by the lower Court in CrI.MP.Nos.685 and 386 of 2020, by orders dated, 29.01.2020 and 22.01.2020, respectively. The present two cases have been registered against the Petitioner within a gap of seven days and apart from these two cases, no other case is pending against the Petitioner. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.
6. On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that the Petitioner was implicated in these two criminal cases, for having committed the same offences. He would further submit that since he is a habitual offender, anticipatory bail cannot be granted to the Petitioner.
7. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on anticipatory bail, in the event of his arrest or on his appearance before the Judicial Magistrate IV, Vellore, within 15 days from the date of receipt of a copy of this order and further on the Petitioner complying with the following conditions, without fail:-
 - i. If the Petitioner fails to surrender before the Judicial Magistrate IV, Vellore, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.

- ii. In each case, the Petitioner shall execute separate bonds, for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum, to the satisfaction of the Judicial Magistrate IV, Vellore. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.
- iii. The Petitioner shall report before the Respondent Police, daily twice at 10.30 a.m. and 5.30 p.m., until further orders.
- iv. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.
- v. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala)**.
- vi. If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-
04/03/2020

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.IV,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE NORTH (L & O) POLICE STATION,
VELLORE DISTRICT.

+2CC to M/S.R.THULASI Advocate on payment of necessary
charges SR NOS.4418, 4420

CRL OP NOS.4974 & 4976 OF 2020

Date :04/03/2020

MK:06/03/2020