

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6483 of 2020

MARIYAPPAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY [RESPONDENT]

THE INSPECTOR OF POLICE,
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.173 OF 2019

For Petitioner : M/S.OM SAI RAM Advocate

For Respondent : M/S. S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

Petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5 and 7 (3) of Lotteries Regulation Act, 1988 in Crime No.173 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 27.05.2019 around 12:06 noon, the defacto complainant/Sankurajan, Sub Inspector of police, Chidambaram Town Police station, during his inspection found that the petitioner and one other person/A2 was selling other state Lottery tickets. Hence, the complaint.

3. Learned counsel appearing for the petitioner would submit that A.2 was in possession of banned lottery tickets. But, the respondent police has foisted false case against the petitioner. He would submit that 18 criminal cases were registered against the petitioner and 16 were closed. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Additional Public Prosecutor would submit that the act of the petitioners was not lawful. There were 18 Criminal cases registered against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant Anticipatory bail to the petitioner. 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 on which the order copy made ready, before Judicial Magistrate No.2, Chidambaram, 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 this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/03/2020

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.2, CHIDAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.OM SAI RAM Advocate on payment of necessary charges
SR.No.5461

cs 01/06/2020

CRL OP.6483/2020

Date :19/03/2020



WEB COPY