

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2020

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.No.8378 of 2020

Muthusamy

... Petitioner

Vs.

State represented by
Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his
arrest in Crime No.982 of 2020 on the file of the respondent
police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under
Sections 5, 7(1) of Lotteries Regulation Act, 1998 in Crime No.982
of 2020 on the file of the respondent police, seeks anticipatory
bail.

2.The learned Additional Public Prosecutor appearing on
behalf of the respondent police submitted that the petitioner is
repeatedly involved in lottery offences and there are ten previous
cases pending against him.

3.The learned counsel for the petitioner submitted that false
cases are foisted against the petitioner and in every case, the
name of the petitioner is added without any basis.

4.Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor.

5.This Court is of the opinion that the petitioner can be directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non-refundable deposit to the credit of the Tamil Nadu Advocate Clerks Association, High Court, Madras, without prejudice to his rights and contentions before the trial Court. Merely because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.Taking into consideration the submissions of the learned counsel on either side and also the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Gudiyatham, on condition that the petitioner shall execute a separate bond for a sum of Rs.5,000/- (Rupees Five 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non refundable deposit to the credit of the the Tamil Nadu Advocate Clerks Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157).

[c] the petitioner shall report before the respondent police 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].

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

-sd/-
10/06/2020

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,
GUDIYATHAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
GUDIYATHAM TOWN POLICE STATION,
VELLORE DISTRICT

4 THE TAMIL NADU ADVOCATE CLERKS ASSOCIATION,
MADRAS HIGH COURT, CHENNAI

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.8378/2020

MK:13/07/2020

Date :10/06/2020

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