

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

C O R A M

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CRL. O.P. No.8758 of 2020

Kaaja Mohideen

.... Petitioner/Accused No.2

-Vs-

State by:-

The Inspector of Police,
Kalpakkam Police Station,
Chengalpattu District.
(Crime No.224/2019)

... Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to release the petitioner on bail in the event of his arrest in Crime No.224 of 2019 pending investigation on the file of the respondent police on such terms and conditions and thus render justice.

For Petitioner : Mr. E. Pandian

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 7(3) of Lotteries (Regulation) Act, 1998, in Crime No.224 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal lottery business. The petitioner had already moved an anticipatory bail petition before this Court in CrI.O.P.No.34511/2019 and this Court by order dated 02.01.2020, granted anticipatory bail by imposing certain conditions. One of the condition imposed by this Court was that the petitioner should deposit a sum of Rs.10,000/- [Rupees ten thousand only], to **Udavum Karangal at Arumbakkam, Chennai**. The petitioner was not able to deposit the said amount on time.

3.The learned counsel for the petitioner submitted that he filed a petition for extension of time and the same could not be numbered since the back bundle was not traceable. Therefore, a fresh anticipatory bail petition has been filed before this Court.

4.The learned Additional Public Prosecutor on instructions submitted that there are totally two accused persons in this case and the petitioner is ranked as A-1. It was further submitted that A2 was arrested and later enlarged on bail and there are no previous cases against the petitioner.

5. Taking into consideration 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 directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before Udavum Karangal, 460, M.K.B. Nagar, Arumbakkam, Chennai on or before 29.06.2020. If the deposit is not made within the time stipulated by this Court, the anticipatory bail shall stand automatically canceled.

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 on which the order copy made ready, before the learned before the learned Judicial Magistrate, Thirukkazhukundram, Chengalpet District, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties each for a like sum to the satisfaction of 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 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) directly to the Udavum Karangal, 460, M.K.B. Nagar, Arumbakkam, Chennai.

[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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

16.06.2020

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Internet: yes

Note: Upload order copy on 17.06.2020.

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To

- 1.The Inspector of Police,
Kalpakkam Police Station,
Chengalpattu District.
2. The learned Judicial Magistrate,
Thirukkazhukundram, Chengalpet District.
- 3.The Additional Public Prosecutor,
High Court,Madras.



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N. ANAND VENKATESH,J.

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