

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P No.9776 of 2020

Mohammed Ali

.. Petitioner

vs.

The Inspector of Police,
Kalpakkam Police Station,
Kancheepuram District.
Cr. No. 223/2019

.. Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Cr. No. 223 of 2019 on the file of the respondent herein.

For Petitioner : Mr. G.Magesh Kumar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for an offence under Section 7(3) of Lotteries Regulation Act, 1988 in Crime No.223 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused person sold the banned lottery tickets worth about Rs.1050/-. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and no way connected with the alleged offence. On the confession statement given by the co-accused, the petitioner has been falsely implicated in this case. Hence he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that totally there are two accused persons in this case and the petitioner is arrayed as A2. The first accused was arrested and remanded to judicial custody and thereafter, released on bail and the lottery tickets worth about Rs.1050/- was also seized by the respondent police. He further submitted that this petitioner was added as an accused, based on the confession of co-accused. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, and also the fact that the co-accused released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand only) as non refundable deposit to the credit of the Madras High Court Advocates Clerks Welfare Associations (Indian Bank, A/c No.484077244, IFSC Code:IDIB000M157), within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif cum Judicial Magistrate, Thirukazhukundram, 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, 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) as non refundable deposit to the credit of the Madras High Court Advocates Clerks Welfare Associations (Indian Bank, A/c No.484077244, IFSC Code:IDIB000M157), and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter 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 229A IPC.

-sd/-

30/06/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKAZHUKUNDRAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KALPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 MADRAS HIGH COURT ADVOCATES
CLERKS WELFARE ASSOCIATION,
INDIAN BANK HIGH COURT BRANCH
SB.A/C NO. 484077244,
IFSC CODE:IDIB000M157

CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary charges

CRL OP.9776/2020

Date :30/06/2020

RVR 27/08/2020

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