

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10745 of 2020

Prakash, S/o.Narayanan

... Petitioner

Vs.

State rep. by the Inspector of Police,
Vellore North Police Station,
Vellore District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.1203 of 2020 pending on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4(3) of Tamil Nadu Gaming Act, 1930 r/w 420 of IPC, in Crime No.1203 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 14.06.2020 at about 8.30 hour, when the respondent police was in routine patrol duty at Saidapet, Murugan Temple, they found that one Arun played cotton betting by inducing people that if they pay Rs.7/-, they would get Rs.700/- and collected money from them. In his confession statement, he has stated that the petitioner and one Balaji are partners in the cotton betting game. Hence, the petitioner has been implicated as absconding accused in this case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the

petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and other accused playing cotton betting and collected money from the people. He further submitted that the petitioner has two previous cases against him. Hence, he opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner has been involved in two previous cases and hence, this Court is of the opinion that the petitioner can be directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non-refundable deposit to the "Bar Council of Tamil Nadu and Puducherry (BCTNP) Advocates Relief Fund, Account No:6873278505, Indian Bank, Madras High Court Branch with IFSC Code - IDIB000M157" 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 note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] The petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) as non-refundable deposit through RTGS/NEFT in favour of the "Bar Council of Tamil Nadu and Puducherry (BCTNP) Advocates Relief Fund, Account No:6873278505, Indian Bank, Madras High Court Branch with IFSC Code - IDIB000M157" within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of her arrest or her appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties, each for the likesum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular organization.

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

[c] the petitioner shall report before the respondent police every Monday at 10.30 a.m., until further orders.

[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.

7. With the above directions, this Criminal Original Petition is ordered.

8. For reporting compliance, post on 12.08.2020.

-sd/-
21/07/2020

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,
VELLORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION,
VELLORE DISTRICT.

4 THE BAR COUNCIL OF TAMILNADU AND PUDUCHERRY
(BCTNP), ADVOCATES RELIEF FUND, INDIAN BANK,
SB.A/C. NO.6873278505, IFSC CODE. NO.IDIB000M157

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

CRL OP.10745/2020

Date :21/07/2020

RD 03/08/2020