

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14691 of 2020

1.Govindasamy
2.Selvam
3.Vijayan

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Bhuvanagiri Police Station,
Cuddalore District.
(Crime No.956 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with the case in Crime No.956 of 2020 on the file of the respondent police.

For Petitioners : Mr.G.Pugazhendhi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 08.09.2020 for the offences punishable under **Sections 294(b), 3543 and 307 IPC and Section 5 and 7(3) of Lotteries Regulation Act, 1998, in Crime No.956 of 2020**, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 08.09.2020 at about 10.30 hours, the Sub Inspector of Police attached to the respondent police, received an information that the accused were selling three (3) number of lottery tickets. The respondent police along with his party proceeded to the house of the petitioners at about 10.45 hours, at that time, ten (10) unknown persons were standing in front of the house of 1st petitioner to buy lottery tickets, and on seeing the police, they ran away from the scene of occurrence and the petitioners were apprehended and found to be in possession of banned lottery tickets.

3. The learned counsel appearing for the petitioners would submit that the 1st petitioner is the father, the 2nd petitioner is

the son and the 3rd petitioner is the grand son of the 1st petitioner. He would further submit that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners were found to be in possession of banned lottery tickets. He would further submit that as far as the 1st petitioner is concerned, he has got three previous cases to his credit, as far as the 2nd petitioner is concerned, he has got one previous case and as far as the 3rd petitioner is concerned he has got seven previous cases. He would further submit that the petitioners were arrested very recently on 08.09.2020.

5. Taking into consideration of the fact that the 1st petitioner and the 3rd petitioner have got several previous cases against them, this Court is not inclined to grant bail to the 1st and 3rd petitioner. Hence, their bail application stands dismissed.

6. Taking into consideration of the fact and circumstances and the submissions made by the learned counsels that there is only one previous case against the 2nd petitioner and considering the period of incarceration suffered by the 2nd petitioner, this Court is inclined to grant bail to the 2nd petitioner alone subject to the following conditions:

(a) Accordingly, the 2nd petitioner is ordered to be released on bail on condition to his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined;

(b) Thereafter, 2nd petitioner shall execute a separate 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 **learned District Munsif cum Judicial Magistrate, Parangipettai, Cuddalore, within a period of two weeks from the date of commencement of the Court's normal functioning**, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the 2nd petitioner on his release from prison, shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders.

(e) the 2nd petitioner shall not commit any offences of similar nature;

(f) the 2nd petitioner shall not abscond either during investigation or trial;

(g) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition stands dismissed as far as the 1st and 3rd petitioners are concerned and this petition stands ordered as far as the 2nd petitioner is concerned.

-sd/-
21/09/2020

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,
PARANGIPETTAI, CUDDALORE

2 THE JAILER, SUB JAIL, CHIDAMBARAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BHUVANAGIRI POLICE STATION,
CUDDALORE DISTRICT

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

CRL OP.14691/2020
Date :21/09/2020

GKS:24/09/2020