

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P.No.18725 of 2020

Azhagiya Kumaran

... Petitioner

Vs.

The State Rep. By
Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore.
(Crime No.1209 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.1209 of 2020, pending investigation on the file of the respondent and thus render justice.

For Petitioner : Mr.Amar Dineshbhai Pandiya

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under **Section 4 & 8 of T.N. Gaming Act and Section 353 of IPC** in Crime No.1209 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was involved in Gambling. Totally there are 7 accused in this case. A1 to A6 have been remanded to judicial custody. Petitioner is A7 and a sum of Rs.2,04,810/- has been recovered from him.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. On instruction, he would further submit that taking into consideration the Covid pandemic situation the petitioner, without prejudice to his defence, is prepared to make

considerable donation to any charitable Organization or Association.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally seven accused in this case, petitioner is A7. He would further submit that A1 to A6 have been arrested. The petitioner was involved in gambling and a sum of Rs.2,04,810/- has been recovered. He would further submit that there is no previous case pending against the petitioner.

5. Taking into consideration of the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to make **a payment/donation of a sum of Rs.20,000/- (Rupees Twenty Thousand only) Don Bosco Anbu Illam, Social Service Society, A/c.No.0042053000006317, IFSC Code: SIBL0000042, South Indian Bank, George Town Branch** and on such payment and production of proof, the petitioner is directed 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 is made ready, before the learned Judicial Magistrate-II, Cuddalore, 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 learned Judicial 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 report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
30/11/2020

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-II,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CUDDALORE NEW TOWN POLICE STATION,
CUDDALORE.

5 DON BOSCO ANBU ILLAM,
SOCIAL SERVICE SOCIETY,
A/C.NO.0042053000006317, IFSC CODE: SIBL0000042,
SOUTH INDIAN BANK, GEORGE TOWN BRANCH.

+1 CC to M/S.AMAR DINESHBHAI PANDIYA Advocate on payment of
necessary charges SR.No 7837

CRL OP.18725/2020

Date :30/11/2020

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MN-07/12/2020