

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19065 of 2020

1.V.Ramkumar
2.S.Murugesan

... Petitioners

Versus

State Rep.by
The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.
(Crime No.1446 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.1446 of 2020, pending on the file of the respondent police.

For Petitioners : Mr.V.S.Senthilkumar

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offence under Sections 5 and 7(1) of the Lotteries Regulation Act, 1988 and Section 420 of IPC., in Crime No.1446 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the respondent/police conducted a routine patrol, the respondent/police suspected the petitioners on interrogation, the petitioners were found in possession of lottery tickets which they were selling illegally. As sale of lottery tickets is banned by the Tamil Nadu Government, the complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The petitioners had never indulged in any such offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate appearing for the respondent submitted that the petitioners are selling online three number lottery tickets illegally with the help of other accused. The petitioners have been caught red handed when they were indulging in sale of lottery tickets. Though there is no previous case as against these petitioners, he opposed for granting of anticipatory bail to the petitioners.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **Learned X-Metropolitan Magistrate, Chennai**, on condition that the petitioners 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 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 conditions that:-

[a] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-

08/12/2020

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 METROPOLITAN MAGISTRATE,
NO.X, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-1, PULIANTHOPE POLICE STATION,
CHENNAI.

CC to M/S.V.S.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.19065/2020

Date :08/12/2020

TA-16/12/2020