

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19425 of 2020

V.Ramasamy

... Petitioner

Versus

State Rep.by
The Inspector of Police,
Cuddalore NT Police Station,
Cuddalore District.
(Crime No.1209 of 2020) Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.1209 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Karthikeyan

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest for the alleged offence under Sections 4-A & 8 of the Tamil Nadu Gambling Act and Section 133 of IPC, in Crime No.1209 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as unfolded from the complaint of the de-facto complainant Ezhildasan, Sub-Inspector of Police is that he received secret information that some persons are playing cards (*Mangatha*) in Vijay Surya Hotel (Lodge) at Manjakuppam, Cuddalore. When the defacto complainant along with his men entered the hotel premises, the accused persons have escaped. However, the defacto complainant recovered a sum of Rs.2,04,810/-, 3 set of playing cards, two wheeler and 8 mobile phone.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case based on the confession statement of other co-accused. He would further submit that the petitioner had parked his scooter in the hotel premises and went to meet his friend in the next street. However, the respondent police seized his vehicle and based on the confession statement of A-1 arrayed him as one of the accused in the case. It is submitted that the petitioner never indulged in any such offence as alleged by the prosecution. It is further stated that the petitioner is also prepared to deposit some amount to show his bonafide without prejudice to his right in the case. Hence, he prays for the grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that 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. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration of the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organisation 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)** to **Don Bosco Anbu Illam, Social Service Society, A/c.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 the **Learned Judicial Magistrate No.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 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30am., until further orders.

[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.

(g) It is made clear that merely because the petitioner is depositing amount, it will not amount to the petitioner admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioner.

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

-sd/-

10/12/2020

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 JUDICIAL MAGISTRATE NO.II,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CUDDALORE NT POLICE STATION,
CUDDALORE.

5 THE DON BOSCO ANBU ILLAM,
SOCIAL SERVICE SOCIETY, A/C.0042053000006317,
IFSC CODE:SIBL0000042, SOUTH INDIAN BANK,
GEORGE TOWN BRANCH.

+1 CC to M/S.R.KARTHIKEYAN Advocate on payment of necessary charges SR.NO.8090

CRL OP.19425/2020

Date :10/12/2020