



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3934 of 2020

C.Vijayakumar, ... Petitioner/Accused No.2

Vs

State through
The Sub Inspector of Police,
Nilakottai Police Station,
Dindigul District.
Crime No.28 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.Haja Mohideen,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 28 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 7(1),7(3) of Lotteries Regulation Act, 1998 r/w.Sections 353 and 506(i) of IPC seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner is Ex Town Panchayat Chairman of Nilakottai carrying flower business in the main bazaar, Nilakottai for the past several years. Due to previous enmity, after arresting A1 in this case for possessing banned lottery tickets have implicated the petitioner also as A2 and shown him as absconding accused. According to the petitioner he has nothing to do with the said complaint and it is a



motivated case by falsely implicating him. Further the learned counsel for the petitioner also submitted that A1 who was arrested in this case was granted bail by the learned Judicial Magistrate, Nilakottai on 05.02.2020. Being a respectful person he undertakes to co-operate for investigation and ready to comply with the conditions.

3. CD file reveals that the complainant is the Inspector of Police, Nilakottai who has given complaint stating that based on the source information when he was in surveillance near Saurashtra Middle School, Nilakottai two persons in motor cycle were moving suspiciously and when he tried to apprehend them, the petitioner herein ran away leaving behind A1 and his motor cycle and 990 lottery tickets.

4. It is also found in the complaint that the accused persons intimidated the defacto complainant and prevented him to discharge his official duty.

5. Considering the nature of complaint and the submission made in the anticipatory bail petition, this Court is the opinion that since the prime accused already released on bail by the learned Judicial Magistrate, Nilakottai and vehicle as well as banned lottery tickets were seized, this Court is inclined to grant anticipatory bail to the petitioner.

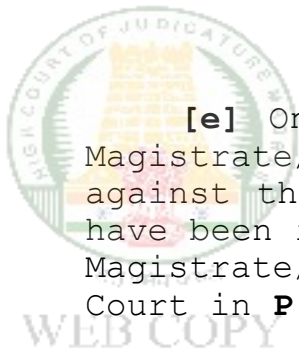
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh 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 said Magistrate, 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 229-A IPC.

sd/-
02/03/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, NILAKOTTAI
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
NILAKOTTAI POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.HAJAMOHIDEEN, Advocate (SR-4605[I] dated
02/03/2020)

ORDER
IN
CRL OP(MD) No.3934 of 2020
Date :02/03/2020

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AE/PN/SAR-II (03.03.2020) 3P 6C