



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8007 of 2020

K.Thavam @ Thavamani

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.111 of 2020)

... Respondent/Complainant

For Petitioner : M/s.S.R.A.Ramachandra,
Advocate.

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

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

PRAYER :-

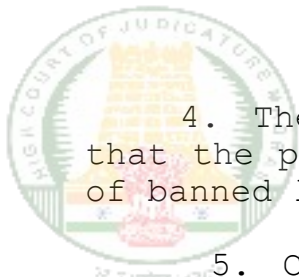
For Anticipatory Bail in Crime No.111 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 353, 506(i) of I.P.C., and Section 7(3) Lotteries Regulation Act, 1998, in Crime No.111 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons were found in possession of banned lottery tickets. Hence, a case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is A3 and he did not commit any offence as alleged by the prosecution. Based on the confession of A1 and A2, the petitioner has been implicated in this case.



4. The learned Government Advocate (Criminal Side) submitted that the petitioner and other accused persons were found possession of banned lottery tickets.

5. Considering the facts and circumstances of the case and also considering the fact that the main allegations are against A1 and A2, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks 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.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

a) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Cancer Institute (WIA), No.38, Sardar Patel Road, Adyar, Chennai- 20, within a period of two weeks without prejudice to his rights and contentions before the trial Court ;

b) 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;

c) the petitioner shall report before the respondent police as on when required for interrogation.

d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

e) the petitioner shall not abscond either during investigation or trial;

f) 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]; and;

g) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/07/2020

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

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

COPY TO:

THE OFFICER INCHARGE,
CANCER INSTITUTE (WIA),
NO.38, SARDAR PATEL ROAD, ADYAR,
CHENNAI- 20.

ORDER
IN
CRL OP(MD) No.8007 of 2020
Date :31/07/2020

MS/JC/SAR-2/05.08.2020/3P.6C