



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

Date : 14/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9272 of 2020

1. Ramesh Kumar

2. Badhusha

3. Sahul Hameed

4. Basheer Ahamed

... Petitioners/Accused 2 to 5

Vs

State rep.by

The Inspector of Police,
Avaniyapuram Police Station,
Madurai, Madurai City.

Crime No. 218 of 2020.

... Respondent/Complainant

For Petitioner : M/s.C.M.Arumugam,
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.218 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.2 to 5 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 4, 5(a) of Tamil Nadu Prize Schemes (Prohibition) Act 1979 and 420 of I.P.C., in Crime No.218 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are running a Aram Makkal Nala Sangam and on 29.01.2020, the office bearers of the above said Sangam said to have conducted price meeting, whereby given cars and other household articles to various subscribers without getting permission. Hence, the crime was registered.

3.Today, when the matter is taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the respondent police

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submitted that the Inspector of Police, V2 Avaniyapuram Police Station, Madurai City, has filed a status report, stating that the petitioners only conducted meeting in Velammal IDA Scudder Auditorium and they only honoured some people and no prize was given to anybody.

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4.Considering the facts and circumstances of the case and also considering the fact that as per the status report filed by the respondent police, stating that no prize was given to anybody, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.VI, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each 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 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 as and when required for interrogation;

(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]***; and;

(f)if the petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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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.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9272 of 2020
Date :14/09/2020

sj i
JM/JC/SAR II/17.09.2020/3P/5C