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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9733 of 2020

M.Kumaresan ... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Crime No. 1240 of 2020. ... Respondent/Complainant

For Petitioner : M/s.C.Saravanakumar,
Advocate.
For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1240 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Totally there are two accused in this case. The petitioner/Accused No.2 apprehending arrest at the hands of the respondent police for the offences punishable under Section 7(3) of Lottery Regulation Act 1998, in Crime No.1240 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A-1 in this case, found selling banned Lottery Tickets and he was arrested, based on the confession of A-1, the petitioner was implicated as the second accused in this case. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that nothing was recovered from the petitioner, only based on the confession of A-1, the petitioner was falsely implicated in this case. Now A-1 was already arrested and released on bail.

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4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner is the wholesale agent and selling banned lottery tickets. Now A-1 was also arrested and released on bail.

5.Considering the facts and circumstances of the case and also considering the fact that only based on the confession of A-1, the petitioner was implicated as A-2 in this case and nothing was recovered from the petitioner and A-1 was already arrested and released on bail, I am 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 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];*** and;

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

sd/-
16/09/2020

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

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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.

TO

1. THE JUDICIAL MAGISTRATE,
   NILAKOTTAI, DINDIGUL DISTRICT.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
   DINDUGAL DISTRICT.

3. THE INSPECTOR OF POLICE,
   BATLAGUNDU POLICE STATION,
   DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
   MADURAI BENCH OF MADRAS HIGH COURT,
   MADURAI.

ORDER
IN
CRL OP(MD) No.9733 of 2020
Date :16/09/2020

SJI
TE/JC/SAR-II : 18/09/2020 : 3P/5C

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