



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

Date : 02/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11898 of 2020

1. Mohammed Abu Thahir
2. Mohamed Abbas
3. Vignesh

... Petitioners/Accused No.2,3 & 5

Vs

State Rep.by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(Crime No.1273 of 2020)

... Respondent/Complainant

For Petitioners: M/s.K.M.Karunakaran, Advocate.
For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For an Anticipatory Bail in Crime No.1273 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

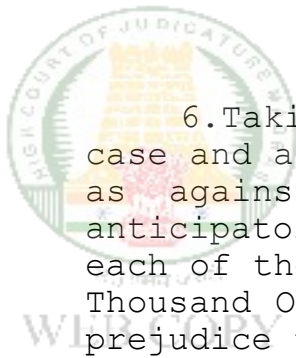
The petitioners/A2, A3 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 7 (3) of the Lotteries Regulation Act, 1998 in crime No.1273 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioners and other accused were sold lottery tickets, which are prohibited by the State Government. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.

5.The learned Government Advocate(Crl.Side) would submit that there is no previous case as against the petitioners.



6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no previous case as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the condition that each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of 'Chief Justice Relief Fund' without prejudice to their rights and contention before the trial Court.

7. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.3, Thanjavur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m., for a period of three weeks and thereafter, 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/11/2020

/ TRUE COPY /

/ /2020
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 NO.3, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11898 of 2020
Date :02/11/2020

MS/VR/SAR-2/04.11.2020/3P.6C