



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

PRESENT

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

CRL OP(MD) . No.13680 of 2020

1. Balamurugan @ Douglas
2. Anthony Lourdusamy @ Lourdu
3. Velsamy
4. Ganapathi
5. S.Sahaptheen @ Abbas
6. Nagarajan @ Nagaraj
7. Thilak Babu @ Babu
8. Balakrishnan @ Bala
9. Kamaraj ... Petitioners/Accused (rank not known)

Vs

The State Rep.by
The Inspector of Police,
East Police Station,
Kovilpatti, Thoothukudi District.
(In Crime No.1018 of 2020).

... Respondent/Complainant

For Petitioners : M/s.M.Maria Vinola,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1018 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A3 to A11, apprehending arrest at the hands of the respondent police for the offences punishable under sections 7(3) of Lotteries Regulation Act, 1998 and 294A of IPC, in Crime No.1018 of 2020, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that on 17.11.2020, the petitioners and other accused persons said to have committed an offence of sale of prohibited other State lottery tickets worth about Rs.4,13,000/-. Hence, a complaint has been registered.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners and other accused persons said to have committed an offence of sale of prohibited other State lottery tickets worth about Rs.4,13,000/- and there is no previous case pending against the petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, each petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) as costs to the Hon'ble Chief Justice relief fund and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, on condition that the petitioner 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:

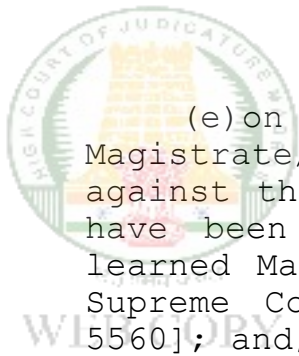
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two 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;

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(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 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/12/2020

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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.

TO

1. THE JUDICIAL MAGISTRATE No.I, KOVILPATTI, THOOTHUKUDI DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
EAST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE SECTION OFFICER,
ACCOUNTS SECTION,
(CHIEF JUSTICE RELIEF FUND),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.MARIA VINOLA, Advocate (SR-7845[I] dated 03/12/2020)

ORDER

IN

CRL OP(MD) No.13680 of 2020

Date : 01/12/2020

dss

AE/AKM/SAR-IV (04.12.2020) 3P / 7C

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