



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.13704 of 2020

A.Karuppasamy

... Petitioner/Accused No.2

Vs

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

... Respondent/Complainant

For Petitioner : M/s.P.Krishnaveni,
Advocate.

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

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

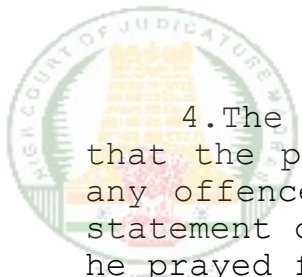
PRAYER :- For Anticipatory Bail in crime No.1018 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, 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, 1860, in Crime No.1018 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.11.2020, the petitioner 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 petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Based on the confession statement of A1, this petitioner has been arrayed as accused. Hence, he prayed for grant of anticipatory bail to the petitioner.

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5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner 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 petitioner with certain conditions.

7..Accordingly, the 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 petitioner is ordered to be released on bail in the event of arrest or his 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) 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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

<https://hccourts.courts.gov.in/Kcse6/hes> *Govindarajan P. In/ Kcse6/hes* Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-
01/12/2020

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/ /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.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI 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,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-7844[I] dated 03/12/2020)

ORDER
IN
CRL OP(MD) No.13704 of 2020
Date :01/12/2020

MS/PN/SAR-3/04.12.2020/3P.7C