

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3588 of 2021

Shagul Ameer

... Petitioner

-Vs-

The State,

Rep by the Inspector of Police,  
Chengalpattu Town Police Station,  
Chengalpattu District.

(Crime No.58 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.58 of 2021 is pending on the file of the respondent police.

For Petitioner : Mr.R.Thamarai selvan

For Respondent : Mr.S.Karthikeyan  
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest for the alleged offences under Sections 5, 7(3) of Lotteries Regulation Act, in Crime No.58 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that A1 had sold the banned lotteries to the General Public, Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that co-accused has already been arrested and thereafter he was released on bail and there is no previous case pending as against the petitioner Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit Al had sold the banned lotteries to the General Public, He would further submit that the petitioner is the owner of the shop. He would further submit that the entire contraband was seized by the respondent police. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the co-accused had been released on bail and there is no previous case pending as against the petitioner. this Court is 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 fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Chengalpattu, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the<sup>t</sup> 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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
24/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,  
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CHENGALPATTU TOWN POLICE STATION,  
CHENGALPATTU DISTRICT.

+1CC to M/S.R.THAMARAI SELVAN Advocate on payment of  
necessary charges SR NO.2396

CRL OP.3588/2021

Date :24/02/2021

MK:04/03/2021

WEB COPY