

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6720 of 2021

S.PRAKASH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

[RESPONDENT]

RAMANATHAN POLICE STATION,

CUDDALORE DISTRICT.

CR.NO.56 OF 2021.

For Petitioner : M/S.K.KARUPPAIYAMOOPANAR Advocate

For Respondent : MR.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4(1)(a) (i), 8 and 12 of Tamil Nadu Gaming Act, 1930 read with Section 109 of IPC in Crime No.56 of 2021, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons played cards (gambling). When the accused persons noticed the respondent police, escaped the scene of occurrence and the respondent police seized the card and some amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that he is an innocent person and he has not nothing to do with the alleged offence as stated by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submits that investigation is pending.

5. Taking into consideration of the facts and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Tittagudi, Cuddalore 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

-sd/-
08/04/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
TITTAGUDI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

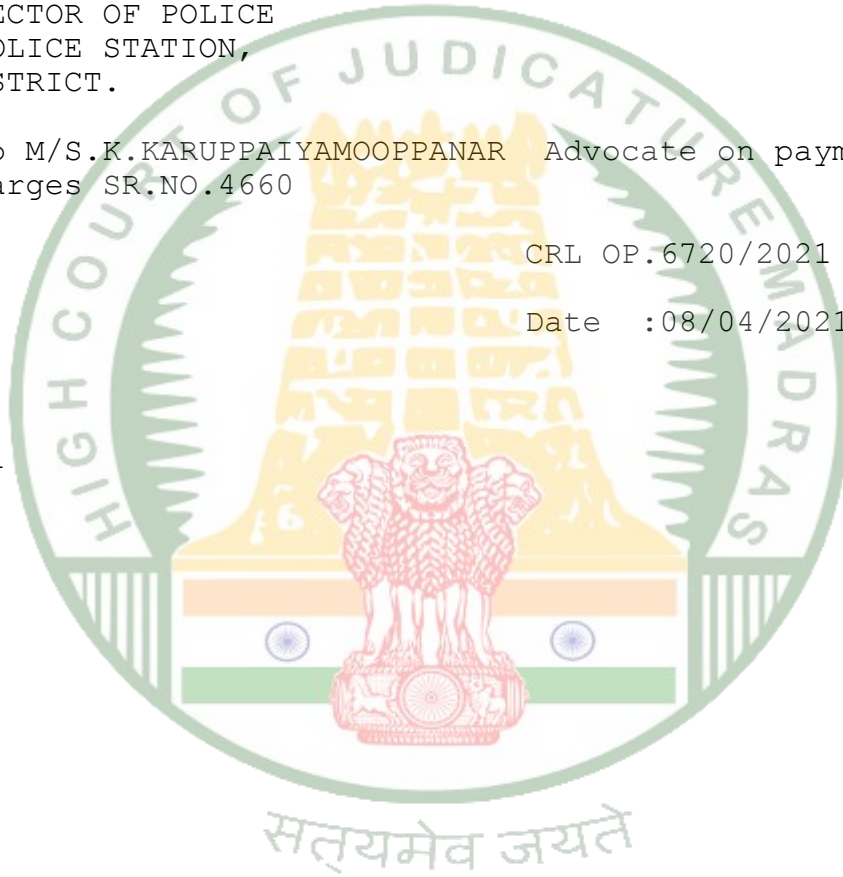
4 THE INSPECTOR OF POLICE
RAMANATHAN POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.K.KARUPPAIYAMOOPPANAR Advocate on payment of
necessary charges SR.NO.4660

CRL OP.6720/2021

Date :08/04/2021

TA-19/04/2021



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