

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7896 of 2021

NAGARAJAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
P-4, BASIN BRIDGE POLICE STATION,
CHENNAI.
CRIME NO.154/2021.

[RESPONDENT]

For Petitioner : M/S. P.VISHNU Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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 alleged offence under Sections 420 of IPC and Section 7 (3) of Lotteries Regulation Act, 1998 in Cr.No.154 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused stole the lottery tickets of other States and cheated the complainant for a sum of Rs.12,500/- Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner has not been committed any offence as alleged by the prosecution and the petitioner is only an employee. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- in favour of the Dean, Rajiv Gandhi General Hospital, Chennai for the treatment of the COVID-19 affected persons, Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner along with other accused sold the other State Lottery tickets worth about Rs.11,500/-. Co-accused have already been released on bail by the Court below.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Counsel on both sides, 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 X Metropolitan Magistrate, Egmore, 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 petitioner and 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non-refundable deposit either through RTGS/NEFT/cash/demand draft in favour of the Dean, Rajiv Gandhi Government General Hospital, Chennai for the treatment of COVID-19 patients, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(c) 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;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-
27/04/2021

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 X METROPOLITAN MAGISTRATE,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
P-4, BASIN BRIDGE POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN,
RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL,
CHENNAI.

+1 CC to M/S.P.VISHNU Advocate on payment of necessary charges
SR.NO. 5436

CRL OP.7896/2021

Date :27/04/2021

MN-17/05/2021