



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16319 of 2021

K.GURUMANI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KARIYAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.
(CRIME NO. 559 OF 2021)

[RESPONDENT]

For Petitioner : M/S. P.MUTHAMIZHSELVAKUMAR Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Section 7(3) of Lottery Regulation Act, 1998 in Cr.No.559 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the respondent police received the information from the secret informer about the illegal selling of On-line Lottery tickets. The respondent police closely monitored the petitioner's house and found that the petitioner along with other accused person were selling On-line lottery tickets. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and he submits that the Respondent police threatened the co-ccused and took false confession statement and falsely implicated the petitioner's name. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- in favour of the Chief Education Officer, for the rehabilitation and maintenance of the basic needs



of the Government schools. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate submits that the petitioner along with other accused sold the On-line Lottery tickets and there is one previous case pending against the petitioner. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

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 anticipatory 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 Court, Vedharanyam, 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;

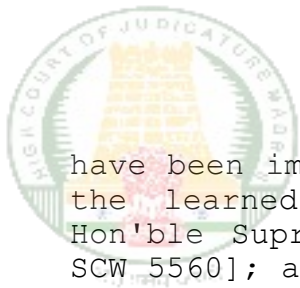
(b) the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) as non-refundable deposit either through demand draft in favour of the Chief Education Officer, Nagapattinam for the rehabilitation and maintenance of basic needs of the Government Schools without prejudice 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 anticipatory 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;

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

7. Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court

-sd/-

07/09/2021

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,
VEDHARANYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KARIYAPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATION OFFICER
NAGAPATTINAM

+1 CC to M/S. P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges SR.No.9825

CRL OP.16319/2021

Date :07/09/2021

APN 23/09/2021