



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16349 of 2021

1 M.MUTHUSAMY
2 A.KUNDAN @ SATHYAMMURTHY

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
POLUR TALUK,
THIRUVANNAMALAI DISTRICT.
CRIME NO. 843 OF 2021.

[RESPONDENT]

For Petitioner : M/S. S.B.VISWANATHAN Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 5, 7(3) Lottery Regulation Act, in Crime No.843 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons were found selling banned lottery tickets to the general public. Hence, the complaint was registered.

3. The learned counsel for the petitioners submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that without prejudice to his defence and contentions, the petitioners, on their own volition, is ready and willing to contribute a sum of Rs.20,000/- for the purpose of improving and maintaining the Government Schools. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) would submit that the petitioners along with other accused persons were found selling banned lottery tickets. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed grant of anticipatory bail to the petitioner.

5. Considering the facts that the petitioners, on his own volition is ready and willing to pay cost as may be ordered by this Court to any charitable institution, this Court is inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate's Court, Polur, Thiruvannamalai District on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Chief Educational Officer, Thiruvannamalai District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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



(g) 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;

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

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred 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/-
08/09/2021

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 COURT,
POLUR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
POLUR TALUK,
THIRUVANNAMALAI DISTRICT.



4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary
charges SR.NO.9791

CRL OP.16349/2021

Date :08/09/2021

INBA 23/09/2021