



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18022 of 2021

KUMARESAN @ VARADARAJI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
CHENGALPATTU DISTRICT
(CRIME NO.293 OF 2021)

[RESPONDENT]

For Petitioner : M/S.P.R.S.THAMIZHMARAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. 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 for the alleged offence under Section 7(3) of Lotteries Regulation Act, 1998 in Cr.No.293 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police conducted a raid, the petitioner along with other accused persons were selling the lottery tickets illegally and displayed the lottery ticket numbers to the public. Hence, the respondent police registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. 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, Government Hospital, Villupuram District, for the treatment of the COVID-19 affected persons. 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 persons illegally sold the other State Lottery tickets and displayed it to the public. Hence, he opposed to grant 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 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 District Munsif cum Judicial Magistrate Court, Cheyyur, 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;

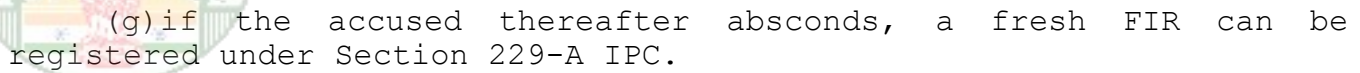
(b) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) as non-refundable deposit either through RTGS/NEFT/cash/demand draft in favour of The Dean, Government Hospital, Villupuram District for the treatment of COVID-19 patients, without prejudice to his defence before 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;



-sd/-
28/09/2021

TRUE COPY

TO

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
CHENGALPATTU DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEAN,
GOVERNMENT HOSPITAL, VILLUPURAM.

+2 CC to M/S.P.R.S.THAMIZHMARAN Advocate on payment of
necessary charges SR.NO.10703

CRL OP.18022/2021

Date : 28/09/2021

JPA 12/10/2021