



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18963 of 2021

PUGALENDI

[PETITIONER/ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
OTTERI POLICE STATION,
CHENGALPATTU.
CRIME NO.602 OF 2021

[RESPONDENT]

For Petitioner : M/S.M.R.ELAVARASAN, Advocate

For Respondent : MR. C.E.PRATAP, 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 5 and 7(3) of Lotteries Regulation Act, 1998 in Cr.No.602 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A6 is the owner of the building where the other accused persons arrayed as A1 to A4 illegally sold banned lotteries. Hence, the respondent police registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and the petitioner is only the owner of the building and he has been falsely implicated in this case. However, on instructions,



he further submitted that the petitioner, without prejudice to his rights, on his own volition is ready to deposit a sum of Rs.10,000/- for the purpose of improving and maintaining the basic needs in Government school. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner along with other accused persons were involved in selling of banned lotteries illegally. Hence he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case , since there is no serious allegation against the petitioner except for the petitioner is the owner of the building, 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 No.II, Chengalpet, 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 Chief Educational Officer, Kancheepuram District for the purpose of improving and maintaining the basic needs in the Government School, 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.

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.

8. In many cases, this Court, based on the submission of the accused to contribute for welfare measures to show his bona fides for the purpose of grant of bail/anticipatory bail, had ordered the said sums, which have been voluntarily contributed by the accused for taking up improvement/rehabilitation measures in the Government Schools in various Districts throughout the State of Tamil Nadu. The Chief Educational Officer of the concerned Districts were also directed to submit the expenditure incurred relating to the works done for improvement/rehabilitation of the Schools in their respective Districts before the Director of School Education as and when such works were completed by utilising the money ordered by this Court.

8. In the above backdrop of events, the Director of School Education is directed to submit a comprehensive report as to the amount so far received in this regard district-wise and the works that have been undertaken in the Government Schools by utilising the said amount.

9. Call the matter for filing of the report by the Director of School Education on 25.10.2021. Registry is directed to communicate a copy of this order to the Director of School Education, Chennai, for filing the aforesaid report. Learned Government Advocate (Crl. Side) is also directed to intimate the above direction of this Court to the Director of School Education, Chennai, for filing of the requisite report by the next date of hearing.

-sd/-

07/10/2021

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,
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB, TEAM-XII, VEPEY,
CHENNAI-7.

5 THE CHIEF EDUCATIONAL OFFICER,
KANCHEEPURAM DISTRICT.

6 THE DIRECTOR OF SCHOOL
EDUCATION, CHENNAI.

+1 CC to M/S.M.R.ELAVARASAN, Advocate on payment of necessary
charges SR.NO.11183

CRL OP.18963/2021

Date :07/10/2021

RW 08/10/2021