

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20214 of 2020

V.Chittu Goundar @ Chittukannan

... Petitioner/Accused-1

Vs.

The State rep by

The Inspector of Police,

Kannankurichi Police Station, Salem City.

Salem District.

(Crime No.1214 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.1214 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 7(1), 7(3) of Lotteries Regulation Act 1998, in Crime No.1214 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26.11.2020 at about 9.00 hrs., when the respondent police has conducted check near Kannankurichi bus stand, on seeing the police, A2/Raja tried to ran away from that place, on suspicion, the Police arrested the said A2 and seized 12 other state (Kerala State) Nirmal lottery tickets from him, based on the confession of A2, the case was registered against the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and the petitioner has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was selling illegal lottery, and he was the main distributor. Hence, he opposed the grant of anticipatory bail to the petitioner.

5. Considering the fact that only 12 contra banned lottery tickets were seized from A2 and only on his confession the petitioner was implicated in this case, this Court is inclined to grant Anticipatory Bail to the petitioner. The learned counsel for the petitioner submitted that the petitioner is prepared to deposit some amount to any charitable organization, this Court is of the opinion that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the "Sree Ramakrishna Ashram, Melapakkam Moldura, Kukmbinipet, Nemeli Panchayat, Arokkonam, A/c.No.30256592047 IFSC Code No.SBIN0000793" without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions :-

[a] The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of "Sree Ramakrishna Ashram, Melapakkam Moldura, Kukmbinipet, Nemeli Panchayat, Arokkonam, A/c.No.30256592047 IFSC Code No.SBIN0000793" within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent

<https://hcservices.courts.gov.in/hcservices/t> 10.30 a.m., for a period of two weeks and

thereafter as and when required.

[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 is 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

05/01/2021

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM CITY, SALEM DISTRICT.

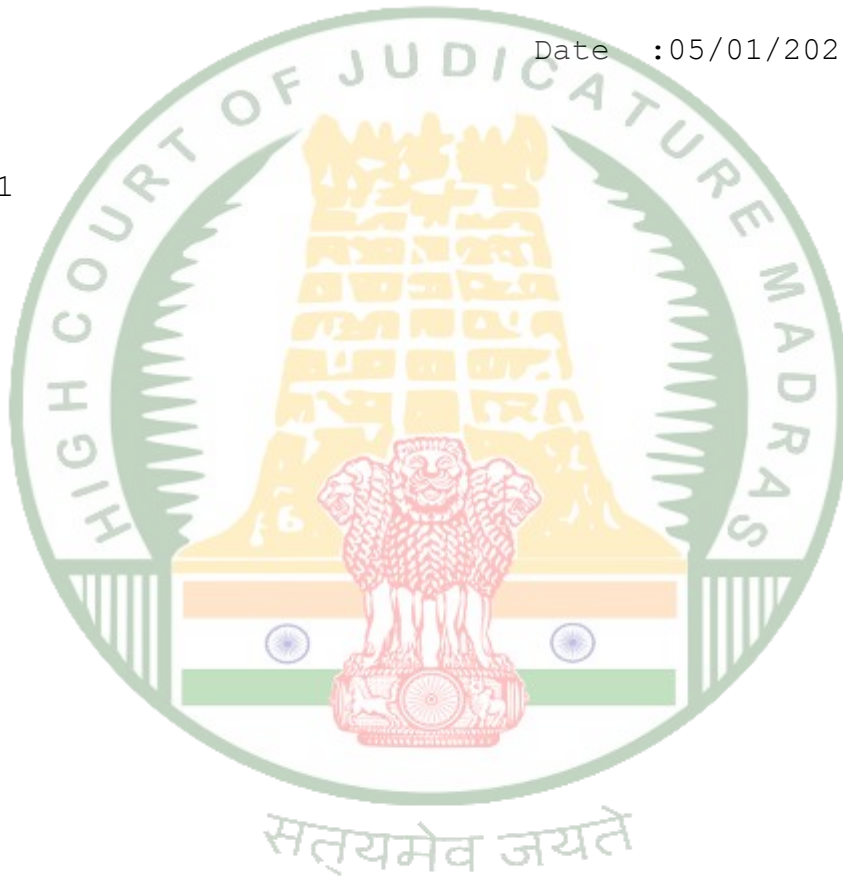
5 SREE RAMAKRISHNA ASHRAM,
MELAPAKKAM MOLDURA, KUKMBINIPET,
NEMELI PANCHAYAT, AROKKONAM,
A/C.NO.30256592047 IFSC CODE NO.SBIN0000793

CC to B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.20214/2020

Date :05/01/2021

MN-25/01/2021



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