

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20398 of 2020

N.Selvam

... Petitioner/Accused

-Vs-

State represented by ... Respondent/Complainant
The Inspector of Police,
G-1, Madurantakam Police Station
Madurantakam - 603 306.
(Crime No.1866 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on anticipatory bail in event of arrest in Crime No.1866 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Prabhudoss
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(3) of Lotteries Regulation Act 1998, in Crime No.1866 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused selling illegal banned lottery tickets. 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. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was selling banned lottery tickets and on seeing the police he ran away from the scene of occurrence. Hence, he opposed

the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and the petitioner had no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

[a] the petitioner is directed to be released on bail in the event of his arrest or on his appearance 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 police 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.

TO

1 THE JUDICIAL MAGISTRATE,
MADURANTAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

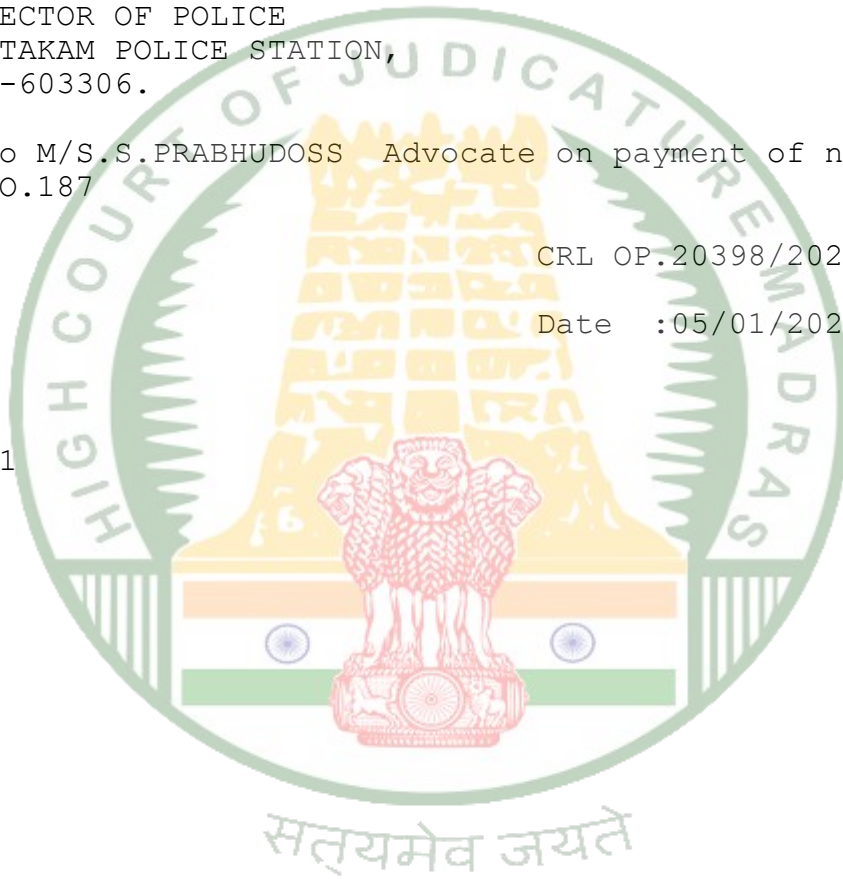
4 THE INSPECTOR OF POLICE
G-1, MADURANTAKAM POLICE STATION,
MADURANTAKAM-603306.

+1 CC to M/S.S.PRABHUDOSS Advocate on payment of necessary
charges SR.NO.187

CRL OP.20398/2020

Date :05/01/2021

TA-22/01/2021



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