



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

Monday, the Twenty Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19453 of 2021

MURUGESAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
NANGAVALLI POLICE STATION,  
SALEM DISTRICT.  
**(\*)CRIME NO. 333 OF 2021**

[ RESPONDENT ]

For Petitioner : M/S.M.MARIAPPAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate ( Crl. Side)  
[CRL.O.P.No.19453/2021]

MR.S.BALAJI, Govt. Advocate (Crl. Side)  
[CRL.M.P.NO.14492/2021]

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 7(1), 7(3) of Lotteries Regulation Act, 1998 and 420 of I.P.C. In **(\*)Cr.No.333 of 2021** on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to to have been found selling banned Kerala lotteries.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case. The learned counsel, on instructions, further submitted that the petitioner is ready to deposit a sum of Rs.5,000/- to the Chief Educational Officer, Salem District.



4.The learned Government Advocate submitted that there is no previous case as against the petitioner.

5.Considering the fact that there is no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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 Court No.I, Mettur, 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 shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand Only) to the credit of the Chief Educational Officer, Salem District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment, without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/ acknowledgment shall accept the sureties furnished by the petitioner;

(b)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;

(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. The 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.

-sd/-

25/10/2021

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.

**(\*) AMENDED AS PER ORDER OF THIS COURT DATED 04/01/2022 MADE IN CRL.MP.No.14492 OF 2021 IN CRL.O.P.No.19453 OF 2021**

TO

1 THE JUDICIAL MAGISTRATE,  
NO.I, METTUR.

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

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
NANGAVALLI POLICE STATION,  
SALEM DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,  
SALEM DISTRICT.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges SR.NO.241

CRL OP.19453/2021

Date :25/10/2021

RW 28/10/2021  
JPA 20/01/2022